

1 Karen Leigh Storey (CONS/PE)

Conservator  
Conservator

Hair, Gail  
Michael, Sheryl

Case No. 0263248

Probate Status Hearing RE: Receipt of Transfer

|               |  |  |  |
|---------------|--|--|--|
|               |  |  | <b>NEEDS/PROBLEMS/COMMENTS:</b><br><br><b><u>OFF CALENDAR</u></b><br><br>File transferred to Orange County Superior Court on 7/27/15.<br><br>New Case No: 30-2015 00802626 |
|               |  |  |  |
|               |  |  |  |
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|               |  |  |  |
|               |  |  |  |
| Aff.Sub.Wit.  |  |  |  |
| Verified      |  |  |  |
| Inventory     |  |  |  |
| PTC           |  |  |  |
| Not.Cred.     |  |  |  |
| Notice of Hrg |  |  |  |
| Aff.Mail      |  |  |  |
| Aff.Pub.      |  |  |  |
| Sp.Ntc.       |  |  |  |
| Pers.Serv.    |  |  |  |
| Conf. Screen  |  |  |  |
| Letters       |  |  |  |
| Duties/Supp   |  |  |  |
| Objections    |  |  |  |
| Video Receipt |  |  |  |
| CI Report     |  |  |  |
| 9202          |  |  |  |
| Order         |  |  |  |
| Aff. Posting  |  |  |  |
| Status Rpt    |  |  |  |
| UCCJEA        |  |  |  |
| Citation      |  |  |  |
| FTB Notice    |  |  |  |
|               |  |  | Reviewed by: skc   |
|               |  |  | Reviewed on: 9/24/15   |
|               |  |  | Updates:   |
|               |  |  | Recommendation:  |
|               |  |  | File 1 – Storey  |

**2 Ramona I. Jaramillo (Estate) Case No. 07CEPR00719****Attorney Tuttle, Ernest H., III (for Vanessa Jaramillo – Administrator)****Probate Status Hearing re: Failure to File a First Account or Petition for Final Distribution**

|                          |  |   |
|--------------------------|--|---|
| <b>DOD: 05/02/2006</b>   | <b>VANESSA JARAMILLO</b> , was appointed Administrator with Will Annexed with full IAEA authority and bond set at \$83,000.00 on 09/18/2007. | <b>NEEDS/PROBLEMS/COMMENTS:</b><br><br><b>Minute Order of 09/02/2015: Counsel will be filing a dismissal to dismiss the Probate Matter. Counsel request a continuance. Matter continued to 09/30/2015. If the document(s) is on filed two court days before the next hearing, no appearance will be necessary.</b><br><br>1. Need First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties. |
| <b>Cont. from 090215</b> | Receipt of Bond in the amount of \$83,000.00 filed 01/03/2008.   |   |
| <b>Aff.Sub.Wit.</b>      | Letters issued on 01/25/2008.  | <b>Reviewed by:</b> LV<br><b>Reviewed on:</b> 09/25/2015<br><b>Updates:</b><br><b>Recommendation:</b><br><b>File 2 – Jaramillo</b>  |
| <b>Verified</b>          | Inventory and Appraisal 02/08/2008 shows an estate valued at \$195,000.00.   |   |
| <b>Inventory</b>         | First Account and or Petition for Final Distribution was due on 11/2008.   |   |
| <b>PTC</b>               | Notice of Status Hearing set this status hearing for the Failure to File a First Account or Petition for Final Distribution.                 |   |
| <b>Not.Cred.</b>         | The notice was mailed to Attorney Ernest Tuttle and Administrator Vanessa Jaramillo on 07/07/2015.   |   |
| <b>Notice of Hrg</b>     |  |   |
| <b>Aff.Mail</b>          |  |   |
| <b>Aff.Pub.</b>          |  |   |
| <b>Sp.Ntc.</b>           |  |   |
| <b>Pers.Serv.</b>        |  |   |
| <b>Conf. Screen</b>      |  |   |
| <b>Letters</b>           |  |   |
| <b>Duties/Supp</b>       |  |   |
| <b>Objections</b>        |  |   |
| <b>Video Receipt</b>     |  |   |
| <b>CI Report</b>         |  |   |
| <b>9202</b>              |  |   |
| <b>Order</b>             |  |   |
| <b>Aff. Posting</b>      |  |   |
| <b>Status Rpt</b>        |  |   |
| <b>UCCJEA</b>            |  |   |
| <b>Citation</b>          |  |   |
| <b>FTB Notice</b>        |  |   |

**Probate Status Hearing RE: Next Account**

|                      |  |   |   |
|----------------------|--|---|---|
|                      |  | <p><b>JEFFREY H. DALE</b>, Spouse, is Successor Conservator of the Estate with bond of \$340,000.00.</p> <p>Conservator's Third Account covering five separate account periods from 1/12/10 through 6/30/14 was settled on 2/4/15.</p> <p>At the hearing on 2/4/15, the Court set this status hearing for the filing of the next account.</p> | <p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Note:</u> Attorney Gordon Panzak is Conservator of the Person.</p> <p><b>1. Need Fourth Account or written status report pursuant to Local Rule 7.5.</b></p> |
|                      |  |   |   |
|                      |  |   |   |
|                      |  |   |   |
|                      |  |   |   |
| <b>Aff.Sub.Wit.</b>  |  |   |   |
| <b>Verified</b>      |  |   |   |
| <b>Inventory</b>     |  |   |   |
| <b>PTC</b>           |  |   |   |
| <b>Not.Cred.</b>     |  |   |   |
| <b>Notice of Hrg</b> |  |   |   |
| <b>Aff.Mail</b>      |  |   |   |
| <b>Aff.Pub.</b>      |  |   |   |
| <b>Sp.Ntc.</b>       |  |   |   |
| <b>Pers.Serv.</b>    |  |   |   |
| <b>Conf. Screen</b>  |  |   |   |
| <b>Letters</b>       |  |   |   |
| <b>Duties/Supp</b>   |  |   |   |
| <b>Objections</b>    |  |   |   |
| <b>Video Receipt</b> |  |   |   |
| <b>CI Report</b>     |  |   |   |
| <b>9202</b>          |  |   |   |
| <b>Order</b>         |  |   |   |
| <b>Aff. Posting</b>  |  |   |   |
| <b>Status Rpt</b>    |  |   |   |
| <b>UCCJEA</b>        |  |   |   |
| <b>Citation</b>      |  |   |   |
| <b>FTB Notice</b>    |  |   |   |
|                      |  |   | <b>Reviewed by:</b> skc   |
|                      |  |   | <b>Reviewed on:</b> 9/24/15   |
|                      |  |   | <b>Updates:</b>   |
|                      |  |   | <b>Recommendation:</b>  |
|                      |  |   | <b>File 3 – Dale</b>  |

**Aguirre, L. Kim (for Sylvia Sanchez – Guardian)**  
**Sanchez, Lidia (Pro Per)(Formerly represented by Attorney Julie Jones)**  
**Hearing RE: Stipulation and Proposed Order**

4

**Petitioner: Sara White (pro per Petitioner/mother)**

# Petition for Visitation

|                          |                      |   |   |   |
|--------------------------|----------------------|---|---|---|
|                          |                      |   | <p><b>SARA WHITE</b>, mother, is petitioner.</p> <p><b>CRYSTAL FARILY</b>, maternal second cousin, was appointed guardian on 3/18/13.</p> <p>Father (of Michael): <b>UNKNOWN</b></p> <p>Father (of Lanae): <b>MICHAEL RODRIGUEZ</b></p> <p><b>Please see petition for details.</b></p> <p><b>Declaration of Guardian, Crystal Farily, filed on 8/24/15</b></p> <p><b>Declaration of Crystal Farily filed on 9/10/15</b></p> | <p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need Notice of Hearing.</p> <p>2. Need proof of service of the Notice of Hearing on:<br/>a. Chrystal Farily (guardian)</p> |
|                          |                      |   |   |   |
|                          |                      |   |   |   |
|                          |                      |   |   |   |
| <b>Cont. from 082615</b> |                      |   |   |   |
|                          | <b>Aff.Sub.Wit.</b>  |   |   |   |
| ✓                        | <b>Verified</b>      |   |   |   |
|                          | <b>Inventory</b>     |   |   |   |
|                          | <b>PTC</b>           |   |   |   |
|                          | <b>Not.Cred.</b>     |   |   |   |
|                          | <b>Notice of Hrg</b> | X |   |   |
|                          | <b>Aff.Mail</b>      | X |   |   |
|                          | <b>Aff.Pub.</b>      |   |   |   |
|                          | <b>Sp.Ntc.</b>       |   |   |   |
|                          | <b>Pers.Serv.</b>    |   |   |   |
|                          | <b>Conf. Screen</b>  |   |   |   |
|                          | <b>Letters</b>       |   |   |   |
|                          | <b>Duties/Supp</b>   |   |   |   |
|                          | <b>Objections</b>    |   |   |   |
|                          | <b>Video Receipt</b> |   |   |   |
|                          | <b>CI Report</b>     |   |   |   |
|                          | <b>9202</b>          |   |   |   |
|                          | <b>Order</b>         | X |   |   |
|                          | <b>Aff. Posting</b>  |   |   |   |
|                          | <b>Status Rpt</b>    |   |   |   |
|                          | <b>UCCJEA</b>        |   |   |   |
|                          | <b>Citation</b>      |   |   |   |
|                          | <b>FTB Notice</b>    |   |   |   |
|                          |                      |   | <p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 9/25/15</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 5 – White/Rodriguez</b></p>  |   |

## First Account and Report of Administrator

|                                     |                      |   |  |
|-------------------------------------|----------------------|---|--|
| <b>DOD: 9/1/12</b>                  |                      | <b>JULIE RAVISCIONI</b> , Administrator, is petitioner.   | <b>NEEDS/PROBLEMS/COMMENTS:</b>  |
|                                     |                      |   |  |
|                                     |                      |   |  |
|                                     |                      |   |  |
| <b>Cont. from 090215</b>            |                      | Account period: 9/1/13 – 7/15/15  | <p><b>Continued from 9/2/15. Minute order states</b> effective today, the Court removes Julie Raviscioni as personal representative. The Court appoints the Public Administrator as the personal representative. The Public Administrator is directed to make a recommendation to the Court as to whether a surcharge is appropriate. Additionally, the Public Administrator is directed to communicate with Julie Raviscioni regarding whether there are other options available to her for a loan other than waiting six months. Julie Raviscioni is ordered to turn over all assets, paperwork, and to provide oral information as to the status of the estate to the Public Administrator by 9/9/15. Additionally, the Court orders Julie Raviscioni not to touch any of the money.</p> <p>Please see additional page.</p> |
| <input type="checkbox"/>            | <b>Aff.Sub.Wit.</b>  | Accounting -        ????  |  |
| <input type="checkbox"/>            | <b>Verified</b>      | Beginning POH-   \$182,150.00   |  |
| <input checked="" type="checkbox"/> | <b>Inventory</b>     | Ending POH -     \$ 54,465.13   |  |
| <input type="checkbox"/>            | <b>PTC</b>           | <p><b>Petitioner states</b> she never intended to borrow money nor did she do so without the intention of paying it all back. It is understood that her father did not have a will, but did establish his verbal wishes with her and his siblings. They can vouch for the fact that she only intended to uphold his wishes.</p> |  |
| <input type="checkbox"/>            | <b>Not.Cred.</b>     |   |  |
| <input checked="" type="checkbox"/> | <b>Notice of Hrg</b> |   |  |
| <input checked="" type="checkbox"/> | <b>Aff.Mail</b> w/   |   |  |
| <input type="checkbox"/>            | <b>Aff.Pub.</b>      | <p>Petitioner states she hopes the judge will understand and take into consideration that she full intends to make everything right with the estate.</p>  |  |
| <input type="checkbox"/>            | <b>Sp.Ntc.</b>       |   |  |
| <input type="checkbox"/>            | <b>Pers.Serv.</b>    |   |  |
| <input type="checkbox"/>            | <b>Conf. Screen</b>  |   |  |
| <input type="checkbox"/>            | <b>Letters</b>       | <p><b>Petitioner prays for an Order:</b></p>  |  |
| <input type="checkbox"/>            | <b>Duties/Supp</b>   |   |  |
| <input type="checkbox"/>            | <b>Objections</b>    |   |  |
| <input type="checkbox"/>            | <b>Video Receipt</b> |   |  |
| <input type="checkbox"/>            | <b>CI Report</b>     | 1. The first account and report be settled, allowed and approved as filed.  |  |
| <input type="checkbox"/>            | <b>9202</b>          | 2. All of the acts and proceedings of petitioner as administrator through July 15, 2015 be confirmed and approved.  |  |
| <input checked="" type="checkbox"/> | <b>Orde</b>          |   |  |
| <input type="checkbox"/>            | <b>Aff. Posting</b>  |   |  |
| <input type="checkbox"/>            | <b>Status Rpt</b>    |   |  |
| <input type="checkbox"/>            | <b>UCCJEA</b>        |   |  |
| <input type="checkbox"/>            | <b>Citation</b>      |   |  |
| <input type="checkbox"/>            | <b>FTB Notice</b>    |   |  |
|                                     |                      |   | <b>Reviewed by: KT</b>   |
|                                     |                      |   | <b>Reviewed on: 9/25/15</b>  |
|                                     |                      |   | <b>Updates:</b>  |
|                                     |                      |   | <b>Recommendation:</b>   |
|                                     |                      |   | <b>File 6 – Dupree</b>   |

**NEEDS/PROBLEMS/COMMENTS:**

1. Accounting does not comply with Probate Code 1060 et seq.
2. The IRS filed a Creditor's Claim in the amount of \$104,205.30. Pursuant to Probate Code §11420 debts owed to the United States shall be given preference. According to the petition the Creditor's Claim of the IRS is still unpaid however other creditor's claims with a lower priority totaling \$38,195.52 have been paid. It appears that the IRS claim should have been paid prior to any other claim being paid.
3. Petition shows payments totaling \$65,875.00 to "Business Loan – TO Transport, Inc." Need clarification.
4. Petition shows payments to Nicole Dixon (one of the beneficiaries) totaling \$13,000.00. Need clarification.
5. Creditor's Claim of Camber Dupree was filed in the amount of \$37,747.00 and was rejected on 9/24/14. Accounting shows Camber Dupree was paid \$47,747.00 for said claim. Need clarification.
6. Order does not comply with Local Rule 7.

|                                     |               |   |                                 |    |
|-------------------------------------|---------------|---|---------------------------------|----|
|                                     |               | <p><b>JARED C. MARSHALL</b>, former attorney for Cynthia Thomas &amp; Pamela Thomas, Co-Conservators, is Petitioner.</p> <p><b>CYNTHIA THOMAS</b> and <b>PAMELA THOMAS</b>, were appointed Co-Conservators of the Person and Estate on 01/29/14.</p> <p>Petitioner requests fees in connection with the representation of the Co-Conservators for their petition to appoint a conservator and subsequent representation of Co-Conservators in various matters concerning the conservatorship.</p> <p>Petitioner <b>asks that his firm be paid from the conservatorship estate</b> for 42.9 attorney hours at various hourly rates (\$375-175/hr) for a <b>total of \$9,140.50</b> and 91.40 paralegal hours at \$135-140/hr. for a <b>total of \$11,938.00</b>. Total fees of \$21,078.50 less \$4,065.15 already paid, leaving a <b>balance of \$17,013.35</b>, plus costs in the amount of <b>\$1,322.67</b>, for a total request of <b>\$18,336.02</b>.</p> <p>Fees and costs are itemized by date and includes preparation of documents, meetings with clients, and court appearances.</p> <p><b>Conservators' Objection to Attorney's Fees Sought by Previous Attorney</b> filed 9/16/15 states the co-conservators object to the following hours spent by the attorney and his associated regarding the temporary and permanent conservatorship petition. Their sister Julia was living with the conservatee and using the conservatee's credit cards to buy herself items. Her fraudulent activities came to a halt in the middle of December 2013. When Julia found out that the co-conservators were aware of her fraudulent actions and reported her to the authorities, then she ceased those actions. With those facts known, the necessity of a temporary conservatorship was moot.</p> <p style="text-align: center;"><b>Please see additional page</b></p> | <b>NEEDS/PROBLEMS/COMMENTS:</b> |    |
| Cont. from 070815, 081215, 081915   |               |   |                                 |    |
| <input type="checkbox"/>            | Aff.Sub.Wit.  |   |                                 |    |
| <input checked="" type="checkbox"/> | Verified      |   |                                 |    |
| <input type="checkbox"/>            | Inventory     |   |                                 |    |
| <input type="checkbox"/>            | PTC           |   |                                 |    |
| <input type="checkbox"/>            | Not.Cred.     |   |                                 |    |
| <input checked="" type="checkbox"/> | Notice of Hrg |   |                                 |    |
| <input checked="" type="checkbox"/> | Aff.Mail      |   |                                 | w/ |
| <input type="checkbox"/>            | Aff.Pub.      |   |                                 |    |
| <input type="checkbox"/>            | Sp.Ntc.       |   |                                 |    |
| <input type="checkbox"/>            | Pers.Serv.    |   |                                 |    |
| <input type="checkbox"/>            | Conf. Screen  |   |                                 |    |
| <input type="checkbox"/>            | Letters       |   |                                 |    |
| <input type="checkbox"/>            | Duties/Supp   |   |                                 |    |
| <input type="checkbox"/>            | Objections    |   |                                 |    |
| <input type="checkbox"/>            | Video Receipt |   |                                 |    |
| <input type="checkbox"/>            | CI Report     |   |                                 |    |
| <input type="checkbox"/>            | 9202          |   |                                 |    |
| <input checked="" type="checkbox"/> | Order         |   |                                 |    |
| <input type="checkbox"/>            | Aff. Posting  |   |                                 |    |
| <input type="checkbox"/>            | Status Rpt    |   |                                 |    |
| <input type="checkbox"/>            | UCCJEA        |   |                                 |    |
| <input type="checkbox"/>            | Citation      |   |                                 |    |
| <input type="checkbox"/>            | FTB Notice    |   |                                 |    |
|                                     |               | Reviewed by: KT<br>Reviewed on: 9/25/15<br>Updates:<br>Recommendation:<br>File 7A - Coyle   |                                 |    |



**Conservators' Objection to Attorney's Fees Sought by Previous Attorney (Con't):**

The co-conservators object to the number of hours spent by attorney Marshall and his firm as it relates to the temporary and permanent petitions for conservatorship. Co-Conservator's believe that both the Petitions for temporary and permanent conservatorship were routine and that a charge of \$3,736.50 was unreasonable. Co-Conservators believe that a reasonable charge would have been in or around \$2,000.00.

Co-Conservators state they informed attorney Marshall and staff about the financial problems regarding the Conservatee's house. They told attorney Marshall and staff that the Conservatee had no equity in the house and that there were mortgage payments due. The Co-Conservators told Attorney Marshall and his staff of their request that the house be allowed to enter foreclosure. They were told by attorney Marshall a petition had to be filed, but that hit would not be of great expense. The Co-Conservator's believed attorney Marshall and allowed him to file a petition with the court. Co-Conservators believe that \$4,044.50 spent on the petition and analysis was an overcharge, especially since the Co-Conservators had wanted to simplify this matter and have the house go through foreclosure. The Co-Conservators believe all those attorney's fees hours were not spent in the best interest of the estate. Co-Conservator's believe \$1,500.00 would have been a reasonable amount for this work.

The Co-Conservator's object to the \$1,043.00 charge for the inventory and appraisal. The estate property and its contents are minimal. Co-Conservators believe a reasonable charge for this work would be about \$200.00, considering that the inventory and appraisal does not take very long to complete, especially with such little property involved.

The Co-Conservators would also like to object to any and all hours expended by Attorney Marshall and the law firm regarding a letter to Julia and Mr. Riojas. The Co-Conservators had knowledge of Julia taking items from the conservatee and her use of their mother's credit cards. They commenced an investigation with Adult Protective Services. The Co-Conservators wanted the elder abuse agency to further any remedied in this matter. They did not want the law firm to work on the misappropriation. The Co-Conservators informed the law firm that they would take care of this issue themselves. The law firm still worked on the correspondence which was never sent to either Julia or Mr. Riojas. The Co-Conservators do not believe they should be charged for any fees regarding this letter.

The Co-Conservators also object to the costs incurred by mailing any documents to the Conservatee's grandchildren. It is estimated this amount to be at least \$300.00 based on the fact that the firm charged for 400 pages copied and mailed to 5 grandchildren at \$0.15 per copy plus postage.

Based on the about stated explanations, Co-Conservators believe that the requested attorney's fees should be reduced by \$6,697.00. They believe that the amount left to be paid for the attorney's fees should be \$11,639.00.

**Please see additional page**

**Reply to Conservators' Objection to Attorney Fees Sought by Previous Attorney filed by Jared C. Marshall on 9/23/15.** Mr. Marshall states, the Co-Conservators continue to misrepresent billing entries in an attempt to make the time expended by his firm appear unreasonable. Further, the vast majority of Co-Conservators' objections rely on the application of hindsight or a misunderstanding of the fiduciary duties native to the attorney-client or conservatee-conservator relationship.

The gist of Co-Conservators' objection to the time spent on the preparation of the petitions is that Julia who had previously had been taking advantage of the conservatee, did not object to either petitions and had largely stopped misappropriating assets at the time the petitions were filed, thus rendering them unnecessary. These allegations are irrelevant and rely entirely on the benefit of hindsight. At the time the petitions were filed, neither the Co-Conservators nor the Firm could have known how Julia would respond to the proceedings. While the Co-Conservators can now look back and state that Julia stopped misappropriating assets on 12/12/13, that information was unknowable at the time the work was performed.

The Co-Conservators cannot credibly suggest that the petition for temporary conservatorship was unreasonable or unnecessary. As the Court's file reflects, the petition was filed on 12/11/13. The Co-Conservator's object on the ground that after 12/13/13, there was no emergency sufficient to warrant the filing of a petition for temporary conservatorship, their objection is nonsensical.

Likewise, Co-Conservators cannot credibly suggest that the petition for conservatorship was unreasonable or unwarranted. Even if somehow the parties or counsel could have known that Julia would cease her efforts to misappropriate conservatee's assets, the petition would still have been necessary. Prior to the issuance of Letters, the Co-Conservators had not legal authority to handle the affairs of their mother. Given that their mother was incompetent, a conservatorship was necessary.

The Co-Conservators appear to object to the time spent on the petition for instructions simply because it involved a great deal of research and analysis. The careful research and analysis was reasonable because the Firm (and Co-Conservators) had a fiduciary duty to ensure that the conservatee would not lose the protection of California's anti-deficiency statutes irrespective of what happened to the property. The California anti-deficiency statutes protect a borrower from liability when foreclosure on the property securing a debt is insufficient to cover the entire amount of the secured debt.

The time spent on the inventory and appraisal was reasonable. Co-Conservators' estimate of \$200.00 is completely unreasonable, \$200.00 represents less than one hour of attorney time and less than 1.5 hours of experienced paralegal time. The time entries identified were not limited to the inventory and appraisal and, even if they were, are not unreasonable.

The time spent on correspondence was not unreasonable. There is no evidence before the court regarding whether the letters were requested or sent. Certainly, the preparation of letters to person suspected of misappropriating conservatorship assets was reasonable under the circumstances given the Co-Conservators' fiduciary duties to marshal the assets of the estate. In addition, given the delicate nature of those letters (particularly in light of the fact a criminal investigation might have been pending), it was reasonable to expend additional time in their preparation.

**Please see additional page**

**Reply to Conservators' Objection to Attorney Fees Sought by Previous Attorney (cont.):**

The costs for copies and postage are appropriate under Local Rule 7.17(C)(1). In this case more than 10 people are entitled to notice. Because more than 10 people are entitled to notice, the request for reimbursement for photocopies and postage is appropriate.

Therefore, Petitioner contends that the entire amount of fees and costs requested in the underlying petition is reasonable in light of the services provided to the Co-Conservators. Furthermore, if the objections raised by the Co-Conservators merit any reduction in fees, that reduction should be limited to \$144.00 which represents the work completed on 7/11/11.

**First Account Current, Report of Co-Conservators and Petition for its Settlement, for Approval of Gifts to Relatives, and for Allowance of Co-Conservators' Compensation and Mileage Reimbursement**

|                                     |                      |  |   |
|-------------------------------------|----------------------|--|---|
|                                     |                      | <b>CYNTHIA C. THOMAS and PAMELA J. THOMAS</b> , Co-Conservators, are petitioners.  | <b>NEEDS/PROBLEMS/COMMENTS:</b>   |
|                                     |                      | Account period: 1/29/14 – 1/31/15  |   |
| <b>Cont. from 072015, 083115</b>    |                      | Accounting - <b>\$290,328.00</b>   | <ol style="list-style-type: none"> <li>Proof of service of the Notice of Hearing on Mr. Marshall did not include a copy of the petition as required. (Mr. Marshall filed a Request for Special Notice)</li> <li>Bond should be increased to \$133,035.00 pursuant to Probate Code 2320(c)4 and California Rules of Court 7.207.</li> <li>Proposed order does not comply with Local Rule 7.6.1C. All order settling accounts must contain a statement as to the balance of the estate on hand, specifically noting the amount of cash in the balance.</li> </ol> <p align="center"><b>Please see additional page</b></p> |
| <input type="checkbox"/>            | <b>Aff.Sub.Wit.</b>  | Beginning POH - <b>\$238,381.05</b>  |   |
| <input checked="" type="checkbox"/> | <b>Verified</b>      | Ending POH - <b>\$263,996.74</b>   |   |
| <input type="checkbox"/>            | <b>Inventory</b>     | <b>Current bond: \$65,790.60</b>   |   |
| <input type="checkbox"/>            | <b>PTC</b>           | Conservator (Cynthia)- <b>\$2,342.91</b> (71 hours @ \$30/hr and 380.20 miles @ \$0.56/mile for medical appointments, taxes, moving the conservatee, etc.)   |   |
| <input type="checkbox"/>            | <b>Not.Cred.</b>     | Petitioner state they advanced, from their personal funds, \$5,000.00 to Dowling Aaron Inc. for attorney fees and costs in the initiation of the conservatorship.  |   |
| <input checked="" type="checkbox"/> | <b>Notice of Hrg</b> | Petitioners request reimbursement of the \$5,000.00 (\$2,500 each).  |   |
| <input checked="" type="checkbox"/> | <b>Aff.Mail</b>      | <b>Petitioners state</b> prior to their appointment, conservatee's daughter, Julia Coyle, had the conservatee sign a transfer document transferring the conservatee's 2007 Toyota Corolla to her and took possession of the vehicle. After their appointment, Petitioners tried to gain possession of the vehicle but where unsuccessful. After conferring with their attorney regarding the cost of recovery, it was believed to be in the best interest of not to pursue recovery. |   |
| <input type="checkbox"/>            | <b>Aff.Pub.</b>      |  |   |
| <input type="checkbox"/>            | <b>Sp.Ntc.</b>       |  |   |
| <input type="checkbox"/>            | <b>Pers.Serv.</b>    |  |   |
| <input type="checkbox"/>            | <b>Conf. Screen</b>  |  |   |
| <input type="checkbox"/>            | <b>Letters</b>       |  |   |
| <input type="checkbox"/>            | <b>Duties/Supp</b>   |  |   |
| <input type="checkbox"/>            | <b>Objections</b>    |  |   |
| <input type="checkbox"/>            | <b>Video Receipt</b> |  |   |
| <input type="checkbox"/>            | <b>CI Report</b>     |  |   |
| <input checked="" type="checkbox"/> | <b>2620(c)</b>       |  |   |
| <input checked="" type="checkbox"/> | <b>Order</b>         |  |   |
| <input type="checkbox"/>            | <b>Aff. Posting</b>  |  |   |
| <input type="checkbox"/>            | <b>Status Rpt</b>    |  |   |
| <input type="checkbox"/>            | <b>UCCJEA</b>        |  |   |
| <input type="checkbox"/>            | <b>Citation</b>      |  |   |
| <input type="checkbox"/>            | <b>FTB Notice</b>    |  |   |
| <b>Please see additional page</b>   |                      |  | <b>Reviewed by:</b> KT<br><b>Reviewed on:</b> 9/25/15<br><b>Updates:</b><br><b>Recommendation:</b><br><b>File 7B – Coyle</b>  |

**Petitioners request** approval of gifts made from the conservatorship estate as follows:  
\$100.00 to Conservatee's granddaughter, Kimberly Franco and her husband for their 25<sup>th</sup> wedding anniversary.  
\$50.00 to Conservatee's granddaughter, Kerri Peterson and her family for Christmas gifts.

**Petitioners request bond be increased \$119,287.67. As an addendum petitioners would like to request that bond not be increased** – Please see needs/problems/comments # 2 of the Needs/Problems/Comments.

**Petitioners pray for an Order:**

1. Approving, allowing, and settling the first account and report of co-conservators;
2. Gifts to family members be approved and ratified;
3. Authorization to pay Conservator, Cynthia Thomas, \$2,342.91 for services to the conservatorship estate;
4. Petitioners be directed to file an additional bond in the amount of \$53,578.67 for a total bond of \$119,287.67;
5. Petitioners be authorized to pay Cynthia Thomas and Pamela Thomas \$2,500 each (for a total of \$5,000.00) as reimbursement of attorney's fees and costs paid out-of-pocket in this conservatorship proceeding.

**Court Investigator Report filed on 2/2/15**

**Note:** If the petition is granted, status hearings will be set as follows:

- **Wednesday, October 28, 2015** at 9:00 a.m. in Department 303, for the filing of the increased bond.
- **Wednesday, March 29, 2017** at 9:00 a.m. in Department 303, for the filing of the second account.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.

**Ex Parte Petition for Preliminary Distribution**

|   |                      |  |  |   |
|---|----------------------|--|--|---|
| <b>DOD: 3/21/14</b>   |                      | <p><b>SUSAN BROWN</b>, Trustee with bond of \$74,000.00, is Petitioner.</p> <p><b>Petitioner requests</b> authority to make a preliminary distribution of \$10,000.00 to each of the five beneficiaries (total \$50,000.00).</p> <p>The current account balance in the blocked account is \$111,703.84.</p> <p>The preliminary distribution may be made without loss to creditors or injury to the estate or any person interested in the estate.</p> <p>Declaration In Support filed 7/24/15 because there are two beneficiaries who are having financial difficulties and are in need of funds immediately to help with their bills. Petitioner also requested the preliminary distribution to help reimburse herself for out of pocket expenses spent by Petitioner for the decedent before his death. Petitioner used funds from her own savings to pay those expenses before there were funds available from the sale of his residence. Petitioner and her husband are now retired and on a fixed income and preliminary distribution would help her with day to day expenses. Petitioner felt it would be fair to have the preliminary distribution for all five beneficiaries and not just for the three who are in need.</p> | <p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> On 7/16/15, Petitioner filed her <b>Amended First and Final Account</b>, which was set for hearing on 8/26/15 (Page B of this calendar), along with this Ex Parte Petition for Preliminary Distribution. On 7/28/15, the Court set this Ex Parte Petition for Preliminary Distribution for noticed hearing to be heard together with the Amended First and Final Account.</p> |   |
|   |                      |  |  |   |
|   |                      |  |  |   |
|   |                      |  |  |   |
| <b>Cont. from 082615</b>  |                      |  |  |   |
| <input type="checkbox"/>  | <b>Aff.Sub.Wit.</b>  |  |  |   |
| <input checked="" type="checkbox"/>   | <b>Verified</b>      |  |  |   |
| <input type="checkbox"/>  | <b>Inventory</b>     |  |  |   |
| <input type="checkbox"/>  | <b>PTC</b>           |  |  |   |
| <input type="checkbox"/>  | <b>Not.Cred.</b>     |  |  |   |
| <input checked="" type="checkbox"/>   | <b>Notice of Hrg</b> |  |  |   |
| <input checked="" type="checkbox"/>   | <b>Aff.Mail</b>      |  |  | W |
| <input type="checkbox"/>  | <b>Aff.Pub.</b>      |  |  |   |
| <input type="checkbox"/>  | <b>Sp.Ntc.</b>       |  |  |   |
| <input type="checkbox"/>  | <b>Pers.Serv.</b>    |  |  |   |
| <input type="checkbox"/>  | <b>Conf. Screen</b>  |  |  |   |
| <input type="checkbox"/>  | <b>Letters</b>       |  |  |   |
| <input type="checkbox"/>  | <b>Duties/Supp</b>   |  |  |   |
| <input type="checkbox"/>  | <b>Objections</b>    |  |  |   |
| <input type="checkbox"/>  | <b>Video Receipt</b> |  |  |   |
| <input type="checkbox"/>  | <b>CI Report</b>     |  |  |   |
| <input type="checkbox"/>  | <b>9202</b>          |  |  |   |
| <input checked="" type="checkbox"/>   | <b>Order</b>         |  |  |   |
| <input type="checkbox"/>  | <b>Aff. Posting</b>  |  |  |   |
| <input type="checkbox"/>  | <b>Status Rpt</b>    |  |  |   |
| <input type="checkbox"/>  | <b>UCCJEA</b>        |  |  |   |
| <input type="checkbox"/>  | <b>Citation</b>      |  |  |   |
| <input type="checkbox"/>  | <b>FTB Notice</b>    |  |  |   |
| <input type="checkbox"/>  |                      |  |  |   |
| <p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 9/24/15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 8A – Eastwood</b></p> |                      |  |  |   |

**8B 2013 Walter Edward Eastwood Revocable Trust Case No. 14CEPR00069****Attorney LeVan, Nancy J. (for Susan Brown – Trustee – Petitioner)****Amended First and Final Account of Trustee; Petition for Allowance of Fees for her****Attorney; Reimbursement to Trustee for Out of Pocket Expenses Petition; Reimbursement of Labor and Materials and for Distribution and Termination of the Trust**

|                                     |                      |  |   |   |
|-------------------------------------|----------------------|--|---|---|
| <b>DOD: 3/21/14</b>                 |                      | <p><b>SUSAN BROWN</b>, Trustee with bond of \$74,000.00, is Petitioner.</p> <p><b>Account period: 8/23/13 – 4/4/15</b><br/> Accounting: \$236,090.27<br/> Beginning POH: \$205,417.82<br/> Ending POH: \$111,831.88 (cash)</p> <p><b>Trustee (Reimbursement): \$6,557.22</b><br/> Petitioner states the total amount of deposits made to the trust account by Susan Brown is \$12,657.22. The amount that has been repaid to Susan Brown during the course of administration is \$6,100.00. The remaining balance owing to Susan Brown is \$6,557.22. Declaration details extensive work required on the residence and the benefit to the estate of such work performed by family, etc.</p> <p><b>Buyers: \$3,488.98.</b> Petitioner states the decedent's home was sold to the Kerbys, who purchased materials and provided labor to bring the home up to code into a condition where it could be sold. In addition to what the trust has paid them up to this point, the trustee requests authorization to pay the Kirbys an additional \$3,488.98. Declaration provides itemization, explanation.</p> <p><b>Attorney: \$1,500.00</b></p> <p>Petitioner requests distribution to the five beneficiaries in the amount of \$19,457.13 each and termination of the trust. (The five heirs are Susan Brown, Cynthia Taylor, Gregory Eastwood, Rebecca Garrison, and Lori Eastwood.)</p> | <p><b>NEEDS/PROBLEMS/COMMENTS:</b><br/> <b>CONTINUED TO 11/16/15</b><br/> <u>Per Attorney request (Page B only)</u></p> <ol style="list-style-type: none"> <li>Petitioner states the total deposits made to the trust account by Susan Brown is \$12,657.22, and she has been repaid \$6,100.00 during the course of administration, for a balance owing of \$6,557.22. However, the schedules appear to show receipts of \$8,450.00 during this account period from Susan Brown (not \$12,657.22), and disbursements to her of \$5,833.80 (not \$6,100.00). Need clarification. The Court may require that these loans to the trust estate be detailed in separate schedules for review, rather than Examiner sifting through to identify relevant individual line items?</li> <li>As previously noted, need itemization for requested attorney compensation or authority for this amount without itemization.</li> <li>Examiner calculates distribution to the five heirs at \$20,057.13 each, not \$19,457.13. Also, if the preliminary distribution at Page A is granted prior to settling this account, need recalculated distribution. Need clarification re distribution calculation and order.</li> </ol> |   |
| <b>Cont. from 082615</b>            |                      |  |   |   |
| <input type="checkbox"/>            | <b>Aff.Sub.Wit.</b>  |  |   |   |
| <input checked="" type="checkbox"/> | <b>Verified</b>      |  |   |   |
| <input type="checkbox"/>            | <b>Inventory</b>     |  |   |   |
| <input type="checkbox"/>            | <b>PTC</b>           |  |   |   |
| <input type="checkbox"/>            | <b>Not.Cred.</b>     |  |   |   |
| <input checked="" type="checkbox"/> | <b>Notice of Hrg</b> |  |   |   |
| <input checked="" type="checkbox"/> | <b>Aff.Mail</b>      |  |   | W |
| <input type="checkbox"/>            | <b>Aff.Pub.</b>      |  |   |   |
| <input type="checkbox"/>            | <b>Sp.Ntc.</b>       |  |   |   |
| <input type="checkbox"/>            | <b>Pers.Serv.</b>    |  |   |   |
| <input type="checkbox"/>            | <b>Conf. Screen</b>  |  |   |   |
| <input type="checkbox"/>            | <b>Letters</b>       |  |   |   |
| <input type="checkbox"/>            | <b>Duties/Supp</b>   |  |   |   |
| <input type="checkbox"/>            | <b>Objections</b>    |  |   |   |
| <input type="checkbox"/>            | <b>Video Receipt</b> |  |   |   |
| <input type="checkbox"/>            | <b>CI Report</b>     |  |   |   |
| <input type="checkbox"/>            | <b>9202</b>          |  |   |   |
| <input type="checkbox"/>            | <b>Order</b>         |  |   | X |
| <input type="checkbox"/>            | <b>Aff. Posting</b>  |  |   |   |
| <input type="checkbox"/>            | <b>Status Rpt</b>    |  |   |   |
| <input type="checkbox"/>            | <b>UCCJEA</b>        |  |   |   |
| <input type="checkbox"/>            | <b>Citation</b>      |  |   |   |
| <input type="checkbox"/>            | <b>FTB Notice</b>    |  |   |   |

|                             |
|-----------------------------|
| <b>Reviewed by:</b> skc     |
| <b>Reviewed on:</b> 9/24/15 |
| <b>Updates:</b>             |
| <b>Recommendation:</b>      |
| <b>File 8B – Eastwood</b>   |

Attorney Brown, Eric R., of Carmichael (for Petitioner Lee X. Yang, Administrator)

## Probate Status Hearing for Failure to File a First Account or Petition for Final Distribution

|                |  |   |
|----------------|--|---|
| DOD: 1/16/2014 |  | <p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>OFF CALENDAR</b></p> <p><i>First Accounting and Report of Status of Administration</i> filed on 9/18/2015 is set for hearing on 11/2/2015.</p> |
|                |  |   |
|                |  |   |
|                |  |   |
| Cont. from     |  |   |
| Aff.Sub.Wit.   |  |   |
| Verified       |  |   |
| Inventory      |  |   |
| PTC            |  |   |
| Not.Cred.      |  |   |
| Notice of Hrg  |  |   |
| Aff.Mail       |  |   |
| Aff.Pub.       |  |   |
| Sp.Ntc.        |  |   |
| Pers.Serv.     |  |   |
| Conf. Screen   |  |   |
| Letters        |  |   |
| Duties/Supp    |  |   |
| Objections     |  |   |
| Video Receipt  |  |   |
| CI Report      |  |   |
| 9202           |  |   |
| Order          |  |   |
| Aff. Posting   |  |   |
| Status Rpt     |  |   |
| UCCJEA         |  |   |
| Citation       |  |   |
| FTB Notice     |  |   |
|                |  | Reviewed by: LEG  |
|                |  | Reviewed on: 9/25/15  |
|                |  | Updates:  |
|                |  | Recommendation:   |
|                |  | File 9 – Lee  |



|                          |               |  |
|--------------------------|---------------|--|
|                          |               | NEEDS/PROBLEMS/COMMENTS:<br><br><b><u>OFF CALENDAR.</u></b><br><b><u>CONSERVATORSHIP OF THE</u></b><br><b><u>ESTATE WAS TERMINATED ON</u></b><br><b><u>03/24/2015.</u></b> |
|                          |               |  |
|                          |               |  |
|                          |               |  |
| Cont. from               |               |  |
| <input type="checkbox"/> | Aff.Sub.Wit.  |  |
| <input type="checkbox"/> | Verified      |  |
| <input type="checkbox"/> | Inventory     |  |
| <input type="checkbox"/> | PTC           |  |
| <input type="checkbox"/> | Not.Cred.     |  |
| <input type="checkbox"/> | Notice of Hrg |  |
| <input type="checkbox"/> | Aff.Mail      |  |
| <input type="checkbox"/> | Aff.Pub.      |  |
| <input type="checkbox"/> | Sp.Ntc.       |  |
| <input type="checkbox"/> | Pers.Serv.    |  |
| <input type="checkbox"/> | Conf. Screen  |  |
| <input type="checkbox"/> | Letters       |  |
| <input type="checkbox"/> | Duties/Supp   |  |
| <input type="checkbox"/> | Objections    |  |
| <input type="checkbox"/> | Video Receipt |  |
| <input type="checkbox"/> | CI Report     |  |
| <input type="checkbox"/> | 9202          |  |
| <input type="checkbox"/> | Order         |  |
| <input type="checkbox"/> | Aff. Posting  |  |
| <input type="checkbox"/> | Status Rpt    |  |
| <input type="checkbox"/> | UCCJEA        |  |
| <input type="checkbox"/> | Citation      |  |
| <input type="checkbox"/> | FTB Notice    |  |
|                          |               | Reviewed by: LV  |
|                          |               | Reviewed on: 09/25/2015  |
|                          |               | Updates:   |
|                          |               | Recommendation:  |
|                          |               | File 10 – Farris   |

**11 Rinko Yoshioka (Estate)****Case No. 14CEPR00531****Attorney Shahbazian, Steven L. (for Joyce Yamaguchi – Executor)****Probate Status Hearing Re: the Filing of the First Account and/or Petition for Final Distribution**

|                        |  |   |
|------------------------|--|---|
| <b>DOD: 06/08/2014</b> | <b>JOYCE YAMAGUCHI</b> , was appointed Executor with full IAEA without bond on 07/30/2015.                                 | <b>NEEDS/PROBLEMS/COMMENTS:</b>   |
|                        |  |   |
|                        |  | 1. Need First Account or Petition for Final Distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties. |
|                        |  |   |
| <b>Cont. from</b>      | Letters issued 08/01/2014  |   |
| <b>Aff.Sub.Wit.</b>    | Inventory and Appraisal filed 09/04/2014 shows an estate valued at \$643,027.66.   |   |
| <b>Verified</b>        |  |   |
| <b>Inventory</b>       |  |   |
| <b>PTC</b>             | Minute Order of 07/30/2015 set this Status Hearing for filing of the First Account and/or Petition for Final Distribution. |   |
| <b>Not.Cred.</b>       |  |   |
| <b>Notice of Hrg</b>   |  |   |
| <b>Aff.Mail</b>        |  |   |
| <b>Aff.Pub.</b>        |  |   |
| <b>Sp.Ntc.</b>         |  |   |
| <b>Pers.Serv.</b>      |  |   |
| <b>Conf. Screen</b>    |  |   |
| <b>Letters</b>         |  |   |
| <b>Duties/Supp</b>     |  |   |
| <b>Objections</b>      |  |   |
| <b>Video Receipt</b>   |  |   |
| <b>CI Report</b>       |  |   |
| <b>9202</b>            |  |   |
| <b>Order</b>           |  |   |
| <b>Aff. Posting</b>    |  | <b>Reviewed by:</b> LV  |
| <b>Status Rpt</b>      |  | <b>Reviewed on:</b> 09/25/2015  |
| <b>UCCJEA</b>          |  | <b>Updates:</b>   |
| <b>Citation</b>        |  | <b>Recommendation:</b>  |
| <b>FTB Notice</b>      |  | <b>File 11 – Yoshioka</b>   |

**12 Lionel Joseph Azevedo (Estate)****Case No. 14CEPR00983****Attorney: Robert Gin (for Petitioner/Administrator Karen Azevedo)****Petition for Final Distribution on Waiver of Accounting and for Allowance of Statutory Compensation to Attorneys**

|                                     |                      |  |  |
|-------------------------------------|----------------------|--|--|
| <b>DOD: 7/28/14</b>                 |                      | <b>KAREN AZEVEDO</b> , Administrator, is petitioner.   | <b>NEEDS/PROBLEMS/COMMENTS:</b><br><br>1. Petition alleges the Laton real property is community property and should pass 100% to the surviving spouse/petitioner. Prior examiner notes requested additional information in order for the court to determine real property was community property. Petitioner filed a Supplement to Petition which states Josh Azevedo quitclaimed to Lionel Azevedo and Karen Azevedo the real property located in Laton. Petitioner states, absent a the designation of "as joint tenants" under California law the property is considered to be community property of Lionel Azevedo and Karen Azevedo, who were husband and wife at the time the real property was quitclaimed to them. However, Petitioner cites no authority to support said claim. Family Code Sections 760 and 770 makes all property "acquired by a married person during the marriage, while domiciled in this state" community property, with an <i>exception for property acquired by gift, devise or inheritance</i> (emphasis added). It appears that the quitclaim could be considered a gift and therefore would not be community property. |
|                                     |                      | Account in waived.   |  |
| <b>Cont. from 082615</b>            |                      | I & A - <b>\$536,250.00</b>  |  |
| <input type="checkbox"/>            | <b>Aff.Sub.Wit.</b>  | POH - <b>\$536,250.00</b>  |  |
| <input checked="" type="checkbox"/> | <b>Verified</b>      | Administrator - <b>waives</b>  |  |
| <input checked="" type="checkbox"/> | <b>Inventory</b>     | Attorney - <b>\$12,000.00</b><br>(less than statutory)   |  |
| <input checked="" type="checkbox"/> | <b>PTC</b>           | Costs - <b>\$497.74</b><br>(\$110.66 has been paid leaving a balance of \$387.08, for copies, publication and certified copies)  |  |
| <input checked="" type="checkbox"/> | <b>Not.Cred.</b>     | Closing - <b>\$2,000.00</b>  |  |
| <input checked="" type="checkbox"/> | <b>Notice of Hrg</b> | <b>Distribution, pursuant to Intestate succession, is to:</b>  |  |
| <input checked="" type="checkbox"/> | <b>Aff.Mail</b>      | Karen Azevedo, surviving spouse, 100% of the community property consisting of: <ul style="list-style-type: none"> <li>• 2014 Diamond C Utility Trailer</li> <li>• 2002 Yamaha Off Road AT Quad</li> <li>• 1964 Horse Trailer</li> <li>• 1988 Chevrolet Flat Bed Truck</li> <li>• Real property located in Laton</li> </ul> |  |
|                                     | <b>Aff.Pub.</b>      | Karen Azevedo, surviving spouse, 1/3 of the decedent's separate property consisting of 50% interest in real property located in Fresno County.   |  |
|                                     | <b>Sp.Ntc.</b>       | Nicholas Azevedo, Joshua Azevedo and Tyson Azevedo, each, an undivided 1/3 interest in 2/3 of decedent's 50% interest in real property located in Fresno County.   |  |
|                                     | <b>Pers.Serv.</b>    |  |  |
|                                     | <b>Conf. Screen</b>  |  |  |
| <input checked="" type="checkbox"/> | <b>Letters</b>       | 12/11/14   |  |
|                                     | <b>Duties/Supp</b>   |  |  |
|                                     | <b>Objections</b>    |  |  |
|                                     | <b>Video Receipt</b> |  |  |
|                                     | <b>CI Report</b>     |  |  |
| <input checked="" type="checkbox"/> | <b>9202</b>          |  |  |
| <input checked="" type="checkbox"/> | <b>Order</b>         |  |  |
|                                     | <b>Aff. Posting</b>  |  |  |
|                                     | <b>Status Rpt</b>    |  |  |
|                                     | <b>UCCJEA</b>        |  |  |
|                                     | <b>Citation</b>      |  |  |
| <input checked="" type="checkbox"/> | <b>FTB Notice</b>    |  |  |
|                                     |                      |  | <b>Reviewed by: KT</b><br><b>Reviewed on: 9/25/15</b><br><b>Updates:</b><br><b>Recommendation:</b><br><b>File 12 – Azevedo</b>   |

Attorney Magness, Marcus; Janisse, Ryan; (for Petitioners Tim Quirk and Laurel Scholar, Successor Co-Trustees)

Attorney Pascuzzi, Susan L. (for Respondent Lee Kleim)

Attorney Bonakdar, Roger S. (for Respondent La Jolla Group II Management, Inc.)

**First Amended Petition for Order: Determining Interest in Trust Property;  
Compelling Former Trustee to Deliver Property to Trustees; Requiring Former  
Trustee to Account; Compelling Redress for Breach of Book Account; Compelling  
Redress for Breach of Certain Written Agreements**

|                          |               |  |   |   |
|--------------------------|---------------|--|---|---|
| <b>DOD: 6/16/2010</b>    |               | <p><b>TIM QUIRK and LAUREL SCHOLAR</b>, accountants of the Decedent and Successor Co-Trustees, are Petitioners.</p> <p><b>Petitioners state:</b></p> <ul style="list-style-type: none"> <li>On 7/13/2000, Alan Boyajian, as Trustor and Trustee, created the <b>ALAN BOYAJIAN LIVING TRUST OF 2000</b> (copy attached as Exhibit 1);</li> <li>Alan Boyajian amended the Trust as follows: First Amendment on 7/1/2008 (copy attached as Exhibit 2); Second Amendment on 5/4/2010 (copy attached as Exhibit 3); and Third Amendment on 5/11/2010 (copy attached as Exhibit 4);</li> <li>The Trust terms provide that <b>LEE KLEIM</b>, Decedent's business partner, shall serve as the sole Successor Trustee, and in the event he is unable or unwilling to serve, then <b>SUSAN L. MOORE</b> and <b>LAUREL SCHOLAR</b> shall serve as successor co-trustees; in the event either of them is unable or unwilling to serve, then <b>TIM QUIRK</b> shall serve with the remaining individual;</li> <li><b>LEE KLEIM</b> accepted the office of Trustee and served in such capacity from date of Decedent's death until his resignation on 2/13/2013 (copy of resignation attached as Exhibit 5);</li> <li>Subsequently, <b>LEE KLEIM</b> denied signing the resignation;</li> <li><b>LEE KLEIM</b> later voluntarily signed a second resignation which was prepared and notarized by <b>SUSAN L. MOORE</b> (copy attached as Exhibit 6);</li> </ul> <p align="center">~Please see additional page~</p> | <p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Continued from 8/26/2015.</u> Minute Order states counsel requests a continuance due to his office's failure to timely serve a Respondent.</p> |   |
| <b>Cont. from 082615</b> |               |  |   |   |
| <input type="checkbox"/> | Aff.Sub.Wit.  |  |   |   |
| ✓                        | Verified      |  |   |   |
|                          | Inventory     |  |   |   |
|                          | PTC           |  |   |   |
|                          | Not.Cred.     |  |   |   |
| ✓                        | Notice of Hrg |  |   |   |
| ✓                        | Aff.Mail      |  |   | W/  |
|                          | Aff.Pub.      |  |   |   |
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|                          | Pers.Serv.    |  |   |   |
|                          | Conf. Screen  |  |   |   |
|                          | Letters       |  |   |   |
|                          | Duties/Supp   |  |   |   |
|                          | Objections    |  |   |   |
|                          | Video Receipt |  |   |   |
|                          | CI Report     |  |   |   |
|                          | 9202          |  |   |   |
| ✓                        | Order         |  |   |   |
|                          | Aff. Posting  |  |   |   |
|                          | Status Rpt    |  |   |   |
|                          | UCCJEA        |  |   |   |
|                          | Citation      |  |   |   |
|                          | FTB Notice    |  |   |   |
|                          |               |  |   | <p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 9/28/15</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 13 – Boyajian</b></p> |

Petitioners state, continued:

- **SUSAN L. MOORE** declined to act as successor co-trustee (*copy attached as Exhibit 7*);
- **TIM QUIRK** and **LAUREL SCHOLAR** ("Co-Trustees") accepted the office of co-trustees on 2/26/2013 and have been acting as successor co-trustees since such time;
- Co-Trustees acted as the accountants for Decedent during his life and for the Trust after his death, and are aware of and have access to various issues with the Trust administration that would not readily be available without such familiarity;
- Decedent and **LEE KLEIM** were business partners, and they formed a number of entities as follows:
  - **LA JOLLA GROUP II GENERAL PARTNERSHIP** – Decedent and Kleim were general partners (the General Partnership);
  - **LA JOLLA GROUP II MANAGEMENT, INC.** – Decedent and Kleim formed this corporation (the Corporation);
  - **LA JOLLA GROUP II LIMITED PARTNERSHIP** – Decedent and Kleim formed this partnership with the La Jolla Group II Management Corporation as the general partner, and Decedent and Kleim as Limited Partners (the Limited Partnership); subsequent to its formation, the Limited Partnership was never capitalized and the initial and final tax return showing zero activity was filed in 2010; the Limited Partnership was then dissolved and the assets of the General Partnership were transferred to the Corporation of which Decedent and Kleim held equal shares;
  - **ASSIGNMENT OF BUSINESS INTERESTS TO TRUST** – Decedent assigned all of the above business interests to the Trust (*copy of assignment attached as Exhibit 8*).
- **Dual Role as Trustee and Corporate Owner:** Upon Decedent's death, **LEE KLEIM** became the sole officer/director of the Corporation; he also became the Trustee of the Trust; this arrangement created numerous conflicts of interest; Kleim treated the entity as his alter ego;
- Kleim was removed from involvement in the Corporation due to mental health issues and his family is now operating it on his behalf;
- **Purchase of Corporation and Limited Partnership:** Pursuant to a Buy Sell Agreement executed by Kleim and Decedent before Decedent's death, the Decedent's Limited Partnership interest was to be purchased for **\$375,000.00** at his death;
- Kleim in his individual capacity, as Trustee of the Trust, as President and Secretary of the Corporation and the Limited Partnership, entered into an agreement memorializing the fact that the Limited Partnership was never capitalized (*copy of unexecuted agreement attached as Exhibit 9*);
- The Trust's interest in the Corporation was purchased outright for **\$12,500.00** and the Trust's interest in the Limited Partnership (which had been transferred to the Corporation) was purchased by Kleim for **\$375,000.00** from the Trust (*copy of the Promissory Note evidencing the sale of the Limited Partnership attached as Exhibit 10*);
- While the Trust's interest in the Corporation was purchased outright for **\$12,500.00**, Kleim has been making interest-only payments at **4.5%** on the purchase of the Trust's interest in the Limited Partnership (which had been assigned to the Corporation);
- The principal balance of **\$375,000.00** remains a personal obligation Kleim owes the Trust;

~Please see additional page~

Petitioners state, continued:

- **Debts Owed by Corporation to Trust:** The Co-Trustees are aware of at least four (4) transactions under which the Trust lent its assets to the Corporation:
  - **Loan of \$263,388.39 in connection with real property on 1521 E. Fedora, Fresno** (*copy of unsigned promissory note attached as Exhibit 11*); the Fedora loan is due 7/1/2015; interest payments were made on the Fedora loan from 8/1/2008 through 5/3/2010, but ceased at Decedent's death with no explanation provided; interest and principal have not been paid despite demand and the Corporation is now in default;
  - **Loan of \$100,000.00 in connection with real property on 3767 E. Huntington, Fresno** (*copy of unsigned promissory note attached as Exhibit 12*); the Huntington loan was due 3/2/2010; no payments were ever made on the Huntington loan and the property was sold in May 2009; this debt was entered in Corporation books as book account and was maintained in normal course of business; payment has not been made despite demand and the Corporation is now in default;
  - **Loan of \$50,000.00 in connection with real property on 437 Keats, Clovis**; the Corporation's employees indicate there was no written note for this transaction but it was carried on Corporation's books as a book account; no payments were ever made on the Keats loan; payment has not been made despite demand and the Corporation is now in default;
  - **Unsecured Loan of \$100,000.00 to Corporation** from Trust to Corporation in 2008, per decedent telling accountants (Co-Trustees) that he and Kleim each loaned **\$100,000.00** to the General Partnership; at the time of this explanation by Decedent, Kleim knew of and did not dispute the representation; Kleim has not provided anything in connection with this loan despite requests and now even disputes the loan ever existed;
- **Verification of debts:** Kleim asked Co-Trustees for information regarding money owed to Trust while he acted as Trustee, which was provided by Co-Trustees to Kleim; Co-Trustees were aware that the Corporation's books matched the Decedent's and Kleim's books; Kleim executed a verified under penalty of perjury IRS form 8939 verifying the existence of the above debts (*copy attached as Exhibit 13*); Kleim now disavows the validity of these debts; the Decedent and Kleim never disavowed any book account debt or promissory note during Decedent's life; Kleim never disavowed any book account debt or promissory note after Decedent's death while Kleim was acting as Trustee of the Trust; all debts on the books of the business were always paid to Kleim and Decedent; however, now that he is no longer Trustee, he now questions the debts even though he has access to all Corporations books and cannot point to evidence suggesting the debts were not valid; Kleim and Corporation are essentially saying they aren't paying these debts because Alan is no longer here to prove they are valid; this position is in bad faith and violates Kleim's fiduciary duties.
- **Violation of Buy-Sell Agreement:** Pursuant to the Buy-Sell agreement entered into by Kliem and the Trust, any distributions to Kleim or his family members in excess of **\$5,000.00** per month require a corresponding distribution to the Trust of an equivalent amount to be applied against the principal of the promissory note given on Kleim's purchase of the Trust's interest in the Corporation deriving from the Limited Partnership; Co-Trustees requested an accounting of all distributions and compensation to Kleim and his family members from the Corporation and from Kleim himself; Kliem and the Corporation refuse to provide any information regarding payments to Kleim's family; Co-Trustees significant distributions in excess of **\$5,000.00** per month have been made to Kleim's son and wife and other family members; refusing to provide any information is a breach of the fiduciary duties and Kleim's duty to pay distributions under the note;

~Please see additional page~

Petitioners state, continued:

- **Request for Information by Co-Trustees:** Through their attorney, Co-Trustees sent Kleim and the Corporation a formal request to provide information; the request was prompted by several holes in the information and documentation turned over to the Co-Trustees by Kleim, which has rendered it impossible to prepare a fiduciary accounting, as Co-Trustees do not know what assets were on hand when they accepted the office of Trustee; Co-Trustees assert there are valuable Trust assets which have not been delivered to them and suspect Kleim committed multiple breaches of trust; Kleim breached his fiduciary duties as Trustee and now intends to obfuscate these breaches by refusing to account and deliver the requisite documentation.
- The Trust is owed significant sums of money by Kleim and the Corporation; despite Kleim acknowledging the debts and failing to pay them while he was Trustee, he now questions whether they are even valid; neither he or the Corporation are willing to pay; the Corporation is in breach of several agreements; Kleim has never accounted;
- **Request for Relief** *[Citations to Probate Code and case authority omitted]*:  
**Co-Trustees' have Duty to Pursue Claims** against third parties to protect and enhance the Trust; Co-Trustees unable to perform this obligation because Kleim has refused to provide the information and documentation necessary to do so;  
**Kleim is Required to Account** upon his resignation, but such an accounting was never prepared or provided; Kleim should be compelled to account for his actions as trustee, which is necessary to provide the starting point from which Co-Trustees can prepare the fiduciary accounting they are required to prepare by law;
- *[The following Causes of Action, as numbered in Petition, are asserted:]*
  1. Kleim has a duty to provide and Accounting upon his resignation;
  2. Liability for Fedora Loan – Open Book Account;
  3. Liability for Huntington Loan – Open Book Account;
  4. Liability for Keats Loan – Open Book Account;
  5. Liability for **\$100,000.00** Loan – Open Book Account;
  6. Breach of Fiduciary Duty;
  7. Breach of Contract –Buy Sell Agreement.

**Petitioners pray for an Order that:**

1. **LEE KLEIM** be ordered to file an accounting with the Court within 60 days of hearing on this *Petition*;
2. **The Corporation** is liable for the payment of the principal and interest of the Fedora Loan, the Huntington Loan, the Keats Loan, in amounts to be proven and trial, and the **\$100,000.00** book account;
3. **LEE KLEIM** be held liable for his breaches of fiduciary duty while acting as trustee and a judgment be entered for all of the damages according to proof;
4. **LEE KLEIM** be held liable to double damages;
5. **LEE KLEIM** be held liable for the Trust's costs and expenses, including attorney fees for bringing this action;
6. **The Corporation** be ordered to provide and an accounting showing payment to Kleim and his family;
7. **The Corporation** be found liable for breaching the Buy-Sell agreement and the Trust awarded damages in the amount to be proven at trial, for failing to make distributions to the Trust;
8. **The Corporation** be required to deliver all information, documentation, and records for the Trust it has in possession within 15 days of hearing on this *Petition*; and
9. **LEE KLEIM** be required to pay Petitioners reasonable attorney fees and costs associated with bringing this *Petition*.

**Response to First Amended Petition for Order: Determining Interest in Trust Property; Compelling Former Trustee to Deliver Property to Trustees; Requiring Former Trustee to Account** filed by LEE KLEIM on 9/15/2015 states denials and admissions to specified Paragraphs of the *Petition*.

**Proof of Service shows Response was served by mail to Petitioners' attorneys on 9/14/2015.**

**Response includes reply statements, in brief sum, as follows:**

- During Respondent's tenure as Successor Trustee, Respondent provided Tim Quirk and Laurel Scholar with all of the financial information available to him pertaining to the Trust and to the various Notes between La Jolla and the Trust; Successor Trustees have all of the books and records pertaining to the Trust through the date of Respondent Lee Kleim's resignation as Successor Trustee;
- Upon the death of Alan Boyajian, Respondent became the sole shareholder of La Jolla by reason of a Buy-Sell agreement between the partners; by reason of potential conflict of interest in acting as Successor Trustee and the sole shareholder of La Jolla, Respondent had numerous conversations with **CATHY SCHWABENLAND** and **CINDY BULLARD, CPA**, on behalf of **SCOTT BOYAJIAN**, the beneficiaries of the Trust regarding decisions related to trust activity and to obtain their consent regarding actions taken by Lee Kleim as Successor Trustee; numerous conferences were held to include Tim Quirk, the accountant for the Trust and legal counsel to ensure the issues and actions involved the Trust and La Jolla were fully disclosed and agreed upon;
- Respondent admits principal payments are due pursuant to terms of the Buy-Sell agreement and that during his tenure as Successor Trustee, there were no principal payments due and owing on the Note; Tim Quirk was provided a copy of the Buy-Sell agreement either at the time of execution or shortly after Alan Boyajian's death;
- Respondent has never refused to provide a copy of the Buy-Sell agreement to the current Co-Trustees, who were provided with all documentation regarding the interest-only payments on the Note and were in possession of the books and records of La Jolla during Respondent's tenure as Successor Trustee;
- *[Refer to Paragraph 13, pages 3 to 5 for responses related to the debts alleged in the Petition];*
- Respondent denies that he disavows the validity of all debts referenced herein, only that he does not have sufficient information or belief to confirm amounts remaining to be paid; Respondent denies he has access to the Corporation's books and records, and he does not have sufficient information or belief to admit or deny the Corporation's position on repayment of alleged debts;
- Respondent admits principal payments on the Note in connection with the Buy-Sell agreement are predicated on distributions from La Jolla to Lee Kleim in excess of **\$5,000.00** per month; Respondent denies he has received distributions in excess of **\$5,000.00** per month;
- Respondent alleges that since 2/13/2013, he has not had access to the books and records of La Jolla or the Trust; on 2/26/2013, the Co-Successor Trustees resigned as accountants for La Jolla, but up until that date had been provided with all the general ledgers of the company and the administration of the Trust; Respondent has no Trust assets in his possession and no documents pertaining to the administration of the Trust;
- *[Refer to pages 6 to 7 for further admissions and denials];*

**Respondent Lee Kleim requests the Court find** *[in brief sum]*: Respondent provided all information within his control to Co-Successor Trustees; he relied on Petitioners as his accountants to prepare all accountings; there are no trust assets in possession of Respondent to be turned over to Co-Successor Trustees; all alleged obligations which may be Trust assets are alleged claims for breach of contract against La Jolla; Respondent acted in good faith and is not liable for any damages; and Respondent be dismissed from this action.



**Bagdasarian, Gary G. (for Janis G. Howard – Executor – Petitioner)**

**Waiver of Account and Report of Status of Administration of Estate, and Petition for Settlement Thereof; for Allowance of Statutory Executor's Commissions and Attorney's Fees and Extraordinary Attorney's Fees; and for Final Distribution**

|                      |                      |   |   |
|----------------------|----------------------|---|---|
| <b>DOD: 11/17/12</b> |                      |   | <b>JANIS G. HOWARD</b> , Executor with Full IAEA without bond, is Petitioner.   |
|                      |                      |   | Accounting is waived  |
|                      |                      |   | I&A: \$85,300.00  |
|                      |                      |   | POH: \$30,950.86 cash plus residential real property located on Clay Ave., in Fresno and misc. personal property  |
|                      |                      |   | Executor (Statutory): \$3,652.00  |
|                      |                      |   | Attorney (Statutory): \$3,652.00  |
|                      |                      |   | Attorney (Extraordinary): \$2,255.00 (for 8.2 hours @ \$275/hr for legal services in connection with the sale of the real property and the negotiation of the mortgage payoff of the real property on hand)   |
|                      | <b>Aff.Sub.Wit.</b>  |   |   |
| ✓                    | <b>Verified</b>      |   |   |
| ✓                    | <b>Inventory</b>     |   |   |
| ✓                    | <b>PTC</b>           |   |   |
| ✓                    | <b>Not.Cred.</b>     |   |   |
| ✓                    | <b>Notice of Hrg</b> |   |   |
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|                      | <b>Pers.Serv.</b>    |   |   |
|                      | <b>Conf. Screen</b>  |   |   |
| ✓                    | <b>Letters</b>       |   |   |
|                      | <b>Duties/Supp</b>   |   |   |
|                      | <b>Objections</b>    |   |   |
|                      | <b>Video Receipt</b> |   |   |
|                      | <b>CI Report</b>     |   |   |
| ✓                    | <b>9202</b>          |   |   |
| ✓                    | <b>Order</b>         |   | <b>Distribution pursuant to the terms of the decedent's will and assignments and agreements filed:</b><br><br><b>Janis G. Howard:</b> \$9,489.78 plus an undivided 50% interest in the real property<br><br><b>Verita Vernice Smith:</b> \$9,489.78 plus an undivided 50% interest in the real property |
|                      | <b>Aff. Posting</b>  |   |   |
|                      | <b>Status Rpt</b>    |   |   |
|                      | <b>UCCJEA</b>        |   |   |
|                      | <b>Citation</b>      |   |   |
| ✓                    | <b>FTB Notice</b>    |   |   |

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|--|
| <b>NEEDS/PROBLEMS/COMMENTS:</b>  |
| <b>CONTINUED TO 11/5/15</b>  |
| Per attorney request   |
| 1. The Petition does not address the creditor's claim filed 4/6/15 by Fresno County Tax Collector in the amount of \$2,056.04 pursuant to Cal. Rule of Court 7.403, and did not file Allowance or Rejection of Creditor's Claim pursuant to Probate Code §9250.  |
| 2. The decedent's will divides the estate into four 25% shares as follows:<br>- 25% to Lary G. Deeing<br>- 25% to Janis J. Howard<br>- 25% to Verita V. Smith<br>- 25% to Tammy Juarez, in trust, for the benefit of Jennifer Lynn Vest, upon the terms and conditions set forth in Article Fifth.<br><br>Article Fifth then details how the trust shall be administered to provide for Jennifer's education, and states if she does not meet the various deadlines, then the assets of the trust shall be distributed to the other three heirs in equal shares.<br><br>Petitioner alleges Jennifer has failed to meet the first requirement of the trust (that she failed to enroll in college before age 25), and requests that share be distributed from the estate to the other heirs (subject to various other agreements/assignments).<br><br>However, it does not appear that <u>all</u> of the requirements have failed, and it does not appear this determination can be made from the estate.<br><u>Please see discussion at Page 2.</u> |
| Reviewed by: skc   |
| Reviewed on: 9/25/15   |
| Updates: 9/29/15   |
| Recommendation:  |
| File 14 – Ingram   |

Page 2

NEEDS/PROBLEMS/COMMENTS Cont'd:

The will provides for distribution to Tammy Juarez as trustee of Jennifer's share, and at Article Fifth, provides for administration of the trust as follows:

- There shall be no distributions unless and until Jennifer enrolls in a post-high school program to further her education. The term "education shall include university, college, and postgraduate study at an institution or institutions of the beneficiary's choice
- When the beneficiary attains her four-year degree from a college or university, all remaining assets shall be distributed to her free of trust
- If the beneficiary fails to enroll in a college or university prior to attaining age 25; or  
If the beneficiary fails to attain her four-year degree before she attains age 35; or  
If the beneficiary disclaims this trust and its benefits; or  
If the beneficiary otherwise fails to survive,  
Then the assets shall be distributed to the other heirs.

Jennifer is currently 30 years old.

Petitioner alleges that she failed to enroll in a college or university prior to age 25 and therefore her share has lapsed and her trust should not be funded from the estate.

First, it appears that Jennifer still has five years to take advantage of her share.

Further, the will devises the share to the trust, and the trustee, Tammy Juarez, is then responsible for administering it according to the above terms, not Petitioner.

*So it appears the 25% trust share should be included in the distribution regardless. Alternatively, the Court may require a signed disclaimer from Jennifer as set forth in the terms above and/or authority for distribution as prayed.*

Note: This petition is based on a waiver of account from the two contemplated heirs. If the Court determines that the testamentary trust should be funded, additional waivers will be needed from Tammy Juarez and/or Jennifer Vest. Otherwise, a full account may be required.

**First and Final Account and Report of Administrator, Allowing for its Settlement and for Discharge of Administrator of an Insolvent (Non-Asset) Estate**

|                                     |                         |   |                                 |
|-------------------------------------|-------------------------|---|---------------------------------|
| <b>DOD: 09/17/14</b>                |                         | <b>GLORIA GARZA-ULLOA</b> , Administrator,<br>is Petitioner.<br><br>Account period: 09/17/14 – 08/15/15<br><br>Accounting:               \$110,000.00<br>Beginning POH:       \$110,000.00<br>Ending POH:           \$0.00<br><br>Petitioner states that the estate is insolvent. There are insufficient funds to pay all of the costs and expenses of administration, the debts of the decedent and/or creditor's claims filed in the estate. There are no assets, nor is it anticipated that there ever will be assets, therefore Petitioner makes no suggestion of a proposed distribution.<br><br><b>Petitioner prays for an Order that:</b> <ol style="list-style-type: none"> <li>1. The administration of the estate be terminated as the estate is insolvent;</li> <li>2. The First and Final Account of Petitioner as Administrator be settled, allowed, and approved as filed;</li> <li>3. All acts and proceedings of petitioner be confirmed and approved;</li> <li>4. The Administrator or the estate be discharged as there are no assets to administer in this matter; and</li> <li>5. Such further orders as the Court deems proper.</li> </ol> | <b>NEEDS/PROBLEMS/COMMENTS:</b> |
|                                     |                         |   |                                 |
|                                     |                         |   |                                 |
|                                     |                         |   |                                 |
| <b>Cont. from</b>                   |                         |   |                                 |
| <input type="checkbox"/>            | <b>Aff.Sub.Wit.</b>     |   |                                 |
| <input checked="" type="checkbox"/> | <b>Verified</b>         |   |                                 |
| <input checked="" type="checkbox"/> | <b>Inventory</b>        |   |                                 |
| <input checked="" type="checkbox"/> | <b>PTC</b>              |   |                                 |
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| <input checked="" type="checkbox"/> | <b>Notice of Hrg</b>    |   |                                 |
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| <input type="checkbox"/>            | <b>Duties/Supp</b>      |   |                                 |
| <input type="checkbox"/>            | <b>Objections</b>       |   |                                 |
| <input type="checkbox"/>            | <b>Video Receipt</b>    |   |                                 |
| <input type="checkbox"/>            | <b>CI Report</b>        |   |                                 |
| <input checked="" type="checkbox"/> | <b>9202</b>             |   |                                 |
| <input checked="" type="checkbox"/> | <b>Order</b>            |   |                                 |
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| <input type="checkbox"/>            | <b>UCCJEA</b>           |   |                                 |
| <input type="checkbox"/>            | <b>Citation</b>         |   |                                 |
| <input checked="" type="checkbox"/> | <b>FTB Notice</b>       |   |                                 |

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|------------------------------|
| <b>Reviewed by:</b> JF       |
| <b>Reviewed on:</b> 09/28/15 |
| <b>Updates:</b>              |
| <b>Recommendation:</b>       |
| <b>File 15 – Garza</b>       |

Petitioner: Cheri Patterson (pro per)

**Petition for Appointment of Guardian of the Person**

|                                     |                      |   |  |
|-------------------------------------|----------------------|---|--|
|                                     |                      | <b>TEMPORARY EXPIRES 9/30/15</b>                              | <b>NEEDS/PROBLEMS/COMMENTS:</b>  |
|                                     |                      | <b>CHERI PATTERSON</b> , maternal grandmother, is petitioner. | <p><b>Continued from 8/18/15. Minute order states</b> examiner notes handed in open court. Ms. Clifford objects for the record; written objections are to be filed and properly served by 9/15/15.</p> <ol style="list-style-type: none"> <li>1. Need Notice of Hearing.</li> <li>2. Need proof of personal service of the Notice of Hearing along with a copy of the petition or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> <li>a. Hannah-Mercedes Gail Clifford (mother)</li> <li>b. Ralph Davidson III (father) – unless court dispenses with notice.</li> </ol> </li> <li>3. Need proof of service of the Notice of Hearing along with a copy of the petition or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> <li>a. Paternal grandparents</li> <li>b. Maternal grandfather</li> </ol> </li> <li>4. Petition does not include the names and current addresses of the paternal grandparents or the maternal grandfather.</li> <li>5. Petition does not indicate whether or not the minor has Native American Ancestry (Item 1c(2) and item # 8 of the child attachment).</li> </ol> |
|                                     |                      | Please see petition for details.                              |  |
| <b>Cont. from 081815</b>            |                      | <b>Court Investigator Report filed on 8/12/15</b>             |  |
| <input type="checkbox"/>            | <b>Aff.Sub.Wit.</b>  |   |  |
| <input checked="" type="checkbox"/> | <b>Verified</b>      |   |  |
| <input type="checkbox"/>            | <b>Inventory</b>     |   |  |
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| <input type="checkbox"/>            | <b>Video Receipt</b> |   |  |
| <input checked="" type="checkbox"/> | <b>CI Report</b>     |   |  |
| <input type="checkbox"/>            | <b>9202</b>          |   |  |
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| <input checked="" type="checkbox"/> | <b>UCCJEA</b>        |   |  |
| <input type="checkbox"/>            | <b>Citation</b>      |   |  |
| <input type="checkbox"/>            | <b>FTB Notice</b>    |   |  |

Petitioner: Dena Sheree Vasquez (pro per)

## Petition for Appointment of Guardian of the Person

|                                     |                      |   |   |
|-------------------------------------|----------------------|---|---|
|                                     |                      | <b>TEMPORARY EXPIRES 9/30/15</b>                        | <b>NEEDS/PROBLEMS/COMMENTS:</b>   |
|                                     |                      | <b>DENA SHEREE VASQUEZ</b> , stepmother, is petitioner. | <b>Continued from 8/26/15. As of 9/25/15 the following issues remain:</b>   |
|                                     |                      | Please see petition for details.                        |   |
| <b>Cont. from 082615</b>            |                      | <b>Court Investigator Report filed on 8/3/15</b>        | <ol style="list-style-type: none"> <li>1. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> <li>a. Maria Felix (mother)</li> <li>b. Emmanuel Vasquez (minor)</li> <li>c. Anabeth Vasquez (minor)</li> </ol> </li> <li>2. Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on: <ol style="list-style-type: none"> <li>a. Oralia Vasquez (paternal grandmother)</li> </ol> </li> </ol> |
| <input type="checkbox"/>            | <b>Aff.Sub.Wit.</b>  |   |   |
| <input checked="" type="checkbox"/> | <b>Verified</b>      |   |   |
| <input type="checkbox"/>            | <b>Inventory</b>     |   |   |
| <input type="checkbox"/>            | <b>PTC</b>           |   |   |
| <input type="checkbox"/>            | <b>Not.Cred.</b>     |   |   |
| <input checked="" type="checkbox"/> | <b>Notice of Hrg</b> |   |   |
| <input type="checkbox"/>            | <b>Aff.Mail</b>      | <input checked="" type="checkbox"/>                     |   |
| <input type="checkbox"/>            | <b>Aff.Pub.</b>      |   |   |
| <input type="checkbox"/>            | <b>Sp.Ntc.</b>       |   |   |
| <input type="checkbox"/>            | <b>Pers.Serv.</b>    | <input checked="" type="checkbox"/>                     |   |
| <input checked="" type="checkbox"/> | <b>Conf. Screen</b>  |   |   |
| <input checked="" type="checkbox"/> | <b>Letters</b>       |   |   |
| <input checked="" type="checkbox"/> | <b>Duties/Supp</b>   |   |   |
| <input type="checkbox"/>            | <b>Objections</b>    |   |   |
| <input type="checkbox"/>            | <b>Video Receipt</b> |   |   |
| <input checked="" type="checkbox"/> | <b>CI Report</b>     |   |   |
| <input type="checkbox"/>            | <b>9202</b>          |   |   |
| <input checked="" type="checkbox"/> | <b>Order</b>         |   |   |
| <input type="checkbox"/>            | <b>Aff. Posting</b>  |   |   |
| <input type="checkbox"/>            | <b>Status Rpt</b>    |   |   |
| <input checked="" type="checkbox"/> | <b>UCCJEA</b>        |   |   |
| <input type="checkbox"/>            | <b>Citation</b>      |   |   |
| <input type="checkbox"/>            | <b>FTB Notice</b>    |   |   |
|                                     |                      |   | <b>Reviewed by: KT</b>  |
|                                     |                      |   | <b>Reviewed on: 9/25/14</b>   |
|                                     |                      |   | <b>Updates:</b>   |
|                                     |                      |   | <b>Recommendation:</b>  |
|                                     |                      |   | <b>File 17 – Vasquez</b>  |

|  |               |  |  |
|--|---------------|--|--|
|  |               |  | <b>NEEDS/PROBLEMS/COMMENTS:</b><br><br><b><u>OFF CALENDAR</u></b><br><br>Entire case dismissed 9/25/15 |
|  |               |  |  |
|  |               |  |  |
|  |               |  |  |
|  |               |  |  |
|  |               |  |  |
|  | Aff.Sub.Wit.  |  |  |
|  | Verified      |  |  |
|  | Inventory     |  |  |
|  | PTC           |  |  |
|  | Not.Cred.     |  |  |
|  | Notice of Hrg |  |  |
|  | Aff.Mail      |  |  |
|  | Aff.Pub.      |  |  |
|  | Sp.Ntc.       |  |  |
|  | Pers.Serv.    |  |  |
|  | Conf. Screen  |  |  |
|  | Letters       |  |  |
|  | Duties/Supp   |  |  |
|  | Objections    |  |  |
|  | Video Receipt |  |  |
|  | CI Report     |  |  |
|  | 9202          |  |  |
|  | Order         |  |  |
|  | Aff. Posting  |  |  |
|  | Status Rpt    |  |  |
|  | UCCJEA        |  |  |
|  | Citation      |  |  |
|  | FTB Notice    |  |  |
|  |               |  | Reviewed by: skc   |
|  |               |  | Reviewed on: 9/28/15   |
|  |               |  | Updates:   |
|  |               |  | Recommendation:  |
|  |               |  | File 18 – Guthery  |

Petitioner: Maria Garcia (pro per)

Petitioner: Nicholas Valencia (pro per)

## Petition for Appointment of Guardian of the Person

|            |               |  |                          |
|------------|---------------|--|--------------------------|
|            |               | There is no temporary. Temporary was denied and dismissed.         | NEEDS/PROBLEMS/COMMENTS: |
|            |               |  |                          |
|            |               | NICHOLAS VALENCIA, uncle, and MARIA GARCIA, aunt, are petitioners. |                          |
|            |               |  |                          |
| Cont. from |               | Please see petition for details.                                   |                          |
|            | Aff.Sub.Wit.  |  |                          |
|            | Verified      | Court Investigator Report filed on 9/15/15.                        |                          |
|            | Inventory     |  |                          |
|            | PTC           |  |                          |
|            | Not.Cred.     |  |                          |
|            | Notice of Hrg |  |                          |
|            | Aff.Mail      |  |                          |
|            | Aff.Pub.      |  |                          |
|            | Sp.Ntc.       |  |                          |
|            | Pers.Serv.    |  |                          |
|            | Conf. Screen  |  |                          |
|            | Letters       |  |                          |
|            | Duties/Supp   |  |                          |
|            | Objections    |  |                          |
|            | Video Receipt |  |                          |
|            | CI Report     |  |                          |
|            | 9202          |  |                          |
|            | Order         |  |                          |
|            | Aff. Posting  |  |                          |
|            | Status Rpt    |  |                          |
|            | UCCJEA        |  |                          |
|            | Citation      |  |                          |
|            | FTB Notice    |  |                          |
|            |               |  | Reviewed by: KT          |
|            |               |  | Reviewed on: 9/28/15     |
|            |               |  | Updates:                 |
|            |               |  | Recommendation:          |
|            |               |  | File 19 – Reyes          |

**Petition for Probate of Will and for Letters Testamentary. Authorization to Administer under the Independent Administration of Estates Act**

|                                     |                      |     |  |   |
|-------------------------------------|----------------------|-----|--|---|
|                                     |                      |     | <b>MARK ANTHONY VESTER</b> , named executor without bond, is petitioner.<br><br>Full IAEA – O.K.<br><br>Will dated: 7/28/1995<br><br>Residence: Fresno<br>Publication: Fresno Business Journal | <b>NEEDS/PROBLEMS/COMMENTS:</b><br><br><u>Note:</u> If the petition is granted, status hearings will be set as follows:<br><br><ul style="list-style-type: none"> <li><b>Wednesday, February 24, 2016</b> at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.</li> <li><b>Wednesday, November 30 2016</b> at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.</li> </ul> Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required. |
| <b>Cont. from</b>                   |                      |     |  |   |
| <input type="checkbox"/>            | <b>Aff.Sub.Wit.</b>  | S/P |  |   |
| <input checked="" type="checkbox"/> | <b>Verified</b>      |     |  |   |
| <input type="checkbox"/>            | <b>Inventory</b>     |     |  |   |
| <input type="checkbox"/>            | <b>PTC</b>           |     |  |   |
| <input type="checkbox"/>            | <b>Not.Cred.</b>     |     |  |   |
| <input type="checkbox"/>            | <b>Notice of Hrg</b> |     |  |   |
| <input checked="" type="checkbox"/> | <b>Aff.Mail</b>      | W/  |  |   |
| <input checked="" type="checkbox"/> | <b>Aff.Pub.</b>      |     |  |   |
| <input type="checkbox"/>            | <b>Sp.Ntc.</b>       |     | <b>Probate Referee: RICK SMITH</b>   |   |
| <input type="checkbox"/>            | <b>Pers.Serv.</b>    |     |  |   |
| <input type="checkbox"/>            | <b>Conf. Screen</b>  |     |  |   |
| <input checked="" type="checkbox"/> | <b>Letters</b>       |     |  |   |
| <input checked="" type="checkbox"/> | <b>Duties/Supp</b>   |     |  |   |
| <input type="checkbox"/>            | <b>Objections</b>    |     |  |   |
| <input type="checkbox"/>            | <b>Video Receipt</b> |     |  |   |
| <input type="checkbox"/>            | <b>CI Report</b>     |     |  |   |
| <input type="checkbox"/>            | <b>9202</b>          |     |  |   |
| <input checked="" type="checkbox"/> | <b>Order</b>         |     |  |   |
| <input type="checkbox"/>            | <b>Aff. Posting</b>  |     | <b>Reviewed by: KT</b><br><b>Reviewed on: 9/28/15</b><br><b>Updates:</b><br><b>Recommendation: SUBMITTED</b><br><b>File 20 - Vester</b>  |   |
| <input type="checkbox"/>            | <b>Status Rpt</b>    |     |  |   |
| <input type="checkbox"/>            | <b>UCCJEA</b>        |     |  |   |
| <input type="checkbox"/>            | <b>Citation</b>      |     |  |   |
| <input type="checkbox"/>            | <b>FTB Notice</b>    |     |  |   |



|                     |                      |  |   |
|---------------------|----------------------|--|---|
| <b>DOD: 2/24/09</b> |                      | <b>ROSALIA LANUZA</b> , Spouse, is Petitioner. | <b>NEEDS/PROBLEMS/COMMENTS:</b>   |
|                     |                      |  |   |
|                     |                      | 40 days since DOD                              | 1. It does not appear this petition can go forward as prayed.   |
|                     |                      | No other proceedings                           |   |
|                     | <b>Aff.Sub.Wit.</b>  |  | Attachment #14 indicates the decedent was survived by a spouse (Petitioner) and two minor children.   |
| ✓                   | <b>Verified</b>      |  |   |
| ✓                   | <b>Inventory</b>     |  | Attachment #11 states the decedent owned a 100% interest in the property, and the attached Grant Deed recorded 6/20/07 grants the property to "Alvaro L. Lanuza, a single man."   |
|                     | <b>PTC</b>           |  |   |
|                     | <b>Not.Cred.</b>     |  | Therefore, it appears the decedent owned this property as his <u>separate</u> property, which would pass 1/3 to Petitioner, and 1/3 to each of his two minor children pursuant to Probate Code §6401(c)(3).   |
| ✓                   | <b>Notice of Hrg</b> |  |   |
| ✓                   | <b>Aff.Mail</b>      | w  | Declaration filed 9/29/15 amends the prayer to request that the property pass 1/3 to Petitioner and 1/3 each to the two minor children, as described above. However, it does not appear this petition can be amended to this request, since pursuant to Probate Code §13150, all successors in interest must petition, and in this case, two of the successors are minors. No guardian of the estate has been authorized to petition or receive property on their behalf. Therefore, it does not appear this petition can go forward. |
|                     | <b>Aff.Pub.</b>      |  |   |
|                     | <b>Sp.Ntc.</b>       |  | Reviewed by: skc  |
|                     | <b>Pers.Serv.</b>    |  |   |
|                     | <b>Conf. Screen</b>  |  | Reviewed on: 9/28/15  |
|                     | <b>Letters</b>       |  |   |
|                     | <b>Duties/Supp</b>   |  | Updates: 9/29/15  |
|                     | <b>Objections</b>    |  |   |
|                     | <b>Video Receipt</b> |  | Recommendation:   |
|                     | <b>CI Report</b>     |  |   |
|                     | <b>9202</b>          |  | File 21 – Lanuza  |
| ✓                   | <b>Order</b>         |  |   |
|                     | <b>Aff. Posting</b>  |  |   |
|                     | <b>Status Rpt</b>    |  |   |
|                     | <b>UCCJEA</b>        |  |   |
|                     | <b>Citation</b>      |  |   |
|                     | <b>FTB Notice</b>    |  |   |

**22 Cayetano Gonzalez (Def. Succ)****Case No. 15CEPR00805**

Petitioner: Salvador Nuno (pro per)

Petitioner Everardo Nuno (pro per)

Petitioner: Augustine Zuniga (pro per)

Petitioner: Julia Flores (pro per)

Petitioner: Francisco Nuno (pro per)

**Petition to Determine Succession to Real Property**

|  |  |   |
|--|--|---|
| <b>DOD: 4/28/2011</b>                                    | <b>SALVADOR NUNO, EVERARDO NUNO, AUGUSTINA ZUNIGA, JULIA FLORES</b> and <b>FRANCISCO NUNO</b> are petitioner.  | <b>NEEDS/PROBLEMS/COMMENTS:</b><br><br>1. Proposed order passes 100% interest in the property to Salvador Nuno. Petition requests the property pass to all petitioners in equal shares. <b>Need new order with property passing to all petitioners.</b> |
|  |  |   |
|  |  |   |
|  |  |   |
| <b>Cont. from</b>  | 40 days since DOD.   |   |
| <input type="checkbox"/> <b>Aff.Sub.Wit.</b>             | No other proceedings.  |   |
| <input checked="" type="checkbox"/> <b>Verified</b>      |  |   |
| <input checked="" type="checkbox"/> <b>Inventory</b>     |  |   |
| <input type="checkbox"/> <b>PTC</b>                      | Will dated: 4/8/10 devises the estate to the decedent's spouse if the spouse survives (spouse is predeceased). If spouse does not survive then the estate passes in equal shares to decedent's children, petitioners herein. |   |
| <input type="checkbox"/> <b>Not.Cred.</b>                |  |   |
| <input checked="" type="checkbox"/> <b>Notice of Hrg</b> |  |   |
| <input checked="" type="checkbox"/> <b>Aff.Mail</b>      | W  |   |
| <input type="checkbox"/> <b>Aff.Pub.</b>                 |  |   |
| <input type="checkbox"/> <b>Sp.Ntc.</b>                  |  |   |
| <input type="checkbox"/> <b>Pers.Serv.</b>               | I & A - <b>\$90,000.00</b>   |   |
| <input type="checkbox"/> <b>Conf. Screen</b>             | <b>Petitioners request</b> Court determination that decedent's 100% interest in real property located in Fresno pass to them in equal shares.  |   |
| <input type="checkbox"/> <b>Letters</b>                  |  |   |
| <input type="checkbox"/> <b>Duties/Supp</b>              |  |   |
| <input type="checkbox"/> <b>Objections</b>               |  |   |
| <input type="checkbox"/> <b>Video Receipt</b>            |  |   |
| <input type="checkbox"/> <b>CI Report</b>                |  |   |
| <input type="checkbox"/> <b>9202</b>                     |  |   |
| <input checked="" type="checkbox"/> <b>Order</b>         |  |   |
| <input type="checkbox"/> <b>Aff. Posting</b>             |  |   |
| <input type="checkbox"/> <b>Status Rpt</b>               |  |   |
| <input type="checkbox"/> <b>UCCJEA</b>                   |  |   |
| <input type="checkbox"/> <b>Citation</b>                 |  |   |
| <input type="checkbox"/> <b>FTB Notice</b>               |  |   |
|  |  | <b>Reviewed by: KT</b>  |
|  |  | <b>Reviewed on: 9/28/15</b>   |
|  |  | <b>Updates:</b>   |
|  |  | <b>Recommendation:</b>  |
|  |  | <b>File 22 – Gonzalez</b>   |

**23 Lyudmila Leonidovna Shelest (Estate) Case No. 15CEPR00806**

Attorney: Danielle R. Guerrero (for Petitioner Vera Ivanovana Shelest)

**Petition for Letters of Administration; Authorization to Administer Under the Independent Administration of Estates Act**

|                                     |                      |  |  |    |
|-------------------------------------|----------------------|--|--|----|
| <b>DOD: 9/16/11</b>                 |                      | <b>VERA IVANOVANA SHELEST</b> , mother, is petitioner and requests appointment as Administrator without bond.<br><br>Petitioner is the sole heir and waives bond.<br><br>Full IAEA – O.K.<br><br>Decedent died intestate.<br><br>Residence: Squaw Valley<br>Publication: Fresno Business Journal | <b>NEEDS/PROBLEMS/COMMENTS:</b><br><br><b>Note:</b> If the petition is granted, status hearings will be set as follows:<br><br><ul style="list-style-type: none"> <li><b>Wednesday, February 24, 2016</b> at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.</li> <li><b>Wednesday, November 30 2016</b> at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.</li> </ul><br>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required. |    |
| <b>Cont. from</b>                   |                      |  |  |    |
| <input type="checkbox"/>            | <b>Aff.Sub.Wit.</b>  |  |  |    |
| <input checked="" type="checkbox"/> | <b>Verified</b>      |  |  |    |
| <input type="checkbox"/>            | <b>Inventory</b>     |  |  |    |
| <input type="checkbox"/>            | <b>PTC</b>           |  |  |    |
| <input type="checkbox"/>            | <b>Not.Cred.</b>     |  |  |    |
| <input type="checkbox"/>            | <b>Notice of Hrg</b> |  |  |    |
| <input checked="" type="checkbox"/> | <b>Aff.Mail</b>      |  |  | W/ |
| <input checked="" type="checkbox"/> | <b>Aff.Pub.</b>      |  |  |    |
| <input type="checkbox"/>            | <b>Sp.Ntc.</b>       |  | <b>Estimated value of the estate:</b><br>Personal property - \$2,550,740.00<br><br><b>Probate Referee: Steven Diebert.</b>   |    |
| <input type="checkbox"/>            | <b>Pers.Serv.</b>    |  |  |    |
| <input type="checkbox"/>            | <b>Conf. Screen</b>  |  |  |    |
| <input checked="" type="checkbox"/> | <b>Letters</b>       |  |  |    |
| <input checked="" type="checkbox"/> | <b>Duties/Supp</b>   |  |  |    |
| <input type="checkbox"/>            | <b>Objections</b>    |  |  |    |
| <input type="checkbox"/>            | <b>Video Receipt</b> |  |  |    |
| <input type="checkbox"/>            | <b>CI Report</b>     |  |  |    |
| <input type="checkbox"/>            | <b>9202</b>          |  |  |    |
| <input checked="" type="checkbox"/> | <b>Order</b>         |  |  |    |
| <input type="checkbox"/>            | <b>Aff. Posting</b>  |  | <b>Reviewed by: KT</b><br><b>Reviewed on: 9/30/15</b><br><b>Updates:</b><br><b>Recommendation: SUBMITTED</b><br><b>File 23 – Shelest</b>   |    |
| <input type="checkbox"/>            | <b>Status Rpt</b>    |  |  |    |
| <input type="checkbox"/>            | <b>UCCJEA</b>        |  |  |    |
| <input type="checkbox"/>            | <b>Citation</b>      |  |  |    |
| <input type="checkbox"/>            | <b>FTB Notice</b>    |  |  |    |

|   |               |   |                           |   |
|---|---------------|---|---------------------------|---|
|   |               |   | See petition for details. | <b>NEEDS/PROBLEMS/COMMENTS:</b><br><br>Court Investigator advised rights on 9/9/15<br><br>Voting rights affected – need minute order<br><br>1. Need Citation.<br><br>2. Need proof of personal service of Citation with a copy of the petition at least 15 days prior to the hearing per Probate Code §1824 on Proposed Conservatee Steven Steffen.<br><br>3. Need proof of service of Notice of Hearing with a copy of the petition at least 30 days prior to the hearing per Probate Code §1822(e) on CVRC.<br><br>4. Need Capacity Declaration in support of request for medical consent powers.<br><br>5. Need Video Receipt per Local Rule 7.15.8.A. |
|   |               |   |                           |   |
|   |               |   |                           |   |
|   |               |   |                           |   |
|   |               |   |                           |   |
|   |               |   |                           |   |
|   | Aff.Sub.Wit.  |   |                           |   |
| ✓ | Verified      |   |                           |   |
|   | Inventory     |   |                           |   |
|   | PTC           |   |                           |   |
|   | Not.Cred.     |   |                           |   |
| ✓ | Notice of Hrg |   |                           |   |
| ✓ | Aff.Mail      | W |                           |   |
|   | Aff.Pub.      |   |                           |   |
|   | Sp.Ntc.       |   |                           |   |
|   | Pers.Serv.    | X |                           |   |
| ✓ | Conf. Screen  |   |                           |   |
| ✓ | Letters       |   |                           |   |
| ✓ | Duties/Supp   |   |                           |   |
|   | Objections    |   |                           |   |
|   | Video Receipt | X |                           |   |
| ✓ | CI Report     |   |                           |   |
|   | 9202          |   |                           |   |
| ✓ | Order         |   |                           |   |
|   | Aff. Posting  |   |                           |   |
|   | Status Rpt    |   |                           |   |
|   | UCCJEA        |   |                           |   |
|   | Citation      | X |                           |   |
|   | FTB Notice    |   |                           |   |
|   |               |   | Reviewed by: skc          |   |
|   |               |   | Reviewed on: 9/28/15      |   |
|   |               |   | Updates:                  |   |
|   |               |   | Recommendation:           |   |
|   |               |   | File 24 – Steffen         |   |

25

Mary Cabral Arceo (CONS/PE)

Case No. 15CEPR00844

Petitioner

Deluca, Denise Rachelle (Pro Per – Daughter – Petitioner)

Attorney

Teixeira, J. Stanley (Court appointed for Proposed Conservatee)

Petition for Appointment of Probate Conservator of the Person and Estate

|   |               |   |                           |   |
|---|---------------|---|---------------------------|---|
|   |               |   | See petition for details. | <b>NEEDS/PROBLEMS/COMMENTS:</b><br><br>Court Investigator advised rights on 9/1/15<br><br>Voting rights affected – need minute order<br><br><u>SEE ADDITIONAL PAGES</u> |
|   |               |   |                           |   |
|   |               |   |                           |   |
|   |               |   |                           |   |
|   |               |   |                           |   |
|   | Aff.Sub.Wit.  |   |                           |   |
| ✓ | Verified      |   |                           |   |
|   | Inventory     |   |                           |   |
|   | PTC           |   |                           |   |
|   | Not.Cred.     |   |                           |   |
| ✓ | Notice of Hrg |   |                           |   |
| ✓ | Aff.Mail      | W |                           |   |
|   | Aff.Pub.      |   |                           |   |
|   | Sp.Ntc.       |   |                           |   |
| ✓ | Pers.Serv.    | W |                           |   |
| ✓ | Conf. Screen  |   |                           |   |
| ✓ | Letters       |   |                           |   |
| ✓ | Duties/Supp   |   |                           |   |
|   | Objections    |   |                           |   |
|   | Video Receipt | X |                           |   |
| ✓ | CI Report     |   |                           |   |
|   | 9202          |   |                           |   |
| ✓ | Order         |   |                           |   |
|   | Aff. Posting  |   |                           |   |
|   | Status Rpt    |   |                           |   |
|   | UCCJEA        |   |                           |   |
| ✓ | Citation      |   |                           |   |
|   | FTB Notice    |   |                           |   |
|   |               |   | Reviewed by: skc          |   |
|   |               |   | Reviewed on: 9/28/15      |   |
|   |               |   | Updates:                  |   |
|   |               |   | Recommendation:           |   |
|   |               |   | File 25 – Arceo           |   |

25

Page 2

**NEEDS/PROBLEMS/COMMENTS:**

Note: An amended petition may be necessary due to the following issues:

1. Petitioner checked the box at #1k for dementia powers, but did not attach the mandatory Attachment Requesting Special Orders Regarding Dementia GC-313, which specifies whether Petitioner is requesting medication and/or placement powers.
2. Likewise, the Capacity Declaration does not include the Dementia Attachment GC-335A, which is required for determination of powers under Probate Code §2356.5.
3. Petitioner checked the box at #1e re additional orders related to the capacity of the Conservatee, but does not explain. Need clarification.
4. The Proposed Conservatee was served with the Citation and a copy of the petition, but because the petition did not include the Attachment Requesting Special Orders Regarding Dementia GC-313, amendment and additional service may be required.
5. Petitioner lists relatives at #11, but does not provide each person's relationship to the proposed Conservatee. Need revised list with this information.
6. Need proof of service of Notice of Hearing with a copy of the petition (plus dementia attachment per above) at least 15 days prior to the hearing on the Office of the Veterans Administration per Probate Code §§ 1822(d) and 1461.5.
7. Notice of Hearing was served on relatives without the dementia attachment, as noted above. Additional service may be required.

SEE ADDITIONAL PAGES

Page 3

**NEEDS/PROBLEMS/COMMENTS (Cont'd):**

8. Petitioner requests appointment without bond; however, bond is required for every conservator of the estate pursuant to Probate Code §2320(c)(4) and Cal. Rule of Court 7.207. However, additional information may be necessary for bond calculation. See below.
9. The estimated value of the estate provided at #3e appears to include only a monthly figure, and it is unclear what the figure includes. Petitioner states she is currently the payee for her mother's social security and VA benefits, and is seeking conservatorship in order to obtain additional CalPERS benefits.

Therefore, need clarification for calculation of bond: Is \$2,720 a monthly figure, and does that include the anticipated CalPERS benefit in addition to the existing social security and VA benefit?

Note: If the above figure includes all income, then bond should be at least \$36,454.00, which includes cost of recovery. If the above figure does not include the anticipated CalPERS benefits, additional bond may be necessary.

10. Petitioner indicates that she is currently the payee for her mother's social security and VA benefit, and that she and her sisters are all on their mother's bank account. Once conservatorship is established, Petitioner, as Conservator, will be responsible for keeping all of the conservatee's funds separate, including the income that she was previously payee for, and for accounting for all of the conservatee's funds. Bond will cover all assets/income. Petitioner may wish to review applicable Probate Code, Cal. Rules of Court, and Duties of Conservator (Form GC-348), and the Handbook for Conservators, available online at [www.courts.ca.gov/documents/handbook.pdf](http://www.courts.ca.gov/documents/handbook.pdf).

Note: If granted, the Court will set status hearings for the filing of the bond, the filing of the Inventory and Appraisal, and the filing of the first account in accordance with Probate Code requirements. Dates will be provided when it appears that the petition is ready to proceed.

## Petition for Appointment of Temporary Guardian of the Person

| GENERAL HEARING 11/30/15  |               |                                     | NEEDS/PROBLEMS/COMMENTS:  |
|---|---------------|-------------------------------------|---|
| <b>CONNIE HEREDIA</b> , paternal grandmother,<br>is petitioner. |               |                                     | 1. Need Notice of Hearing.<br><br>2. Need proof of personal service of the Notice of Hearing along with a copy of the Temporary Petition or Consent and Waiver of Notice on:<br>a. Gabriel Garcia (minor) |
| Please see petition for details.                                |               |                                     |   |
| Cont. from  |               |                                     |   |
| <input type="checkbox"/>  | Aff.Sub.Wit.  |                                     |   |
| <input checked="" type="checkbox"/>                             | Verified      |                                     |   |
| <input type="checkbox"/>  | Inventory     |                                     |   |
| <input type="checkbox"/>  | PTC           |                                     |   |
| <input type="checkbox"/>  | Not.Cred.     |                                     |   |
| <input type="checkbox"/>  | Notice of Hrg | <input checked="" type="checkbox"/> |   |
| <input type="checkbox"/>  | Aff.Mail      |                                     |   |
| <input type="checkbox"/>  | Aff.Pub.      |                                     |   |
| <input type="checkbox"/>  | Sp.Ntc.       |                                     |   |
| <input type="checkbox"/>  | Pers.Serv.    | <input checked="" type="checkbox"/> |   |
| <input checked="" type="checkbox"/>                             | Conf. Screen  |                                     |   |
| <input checked="" type="checkbox"/>                             | Letters       |                                     |   |
| <input checked="" type="checkbox"/>                             | Duties/Supp   |                                     |   |
| <input type="checkbox"/>  | Objections    |                                     |   |
| <input type="checkbox"/>  | Video Receipt |                                     |   |
| <input type="checkbox"/>  | CI Report     |                                     |   |
| <input type="checkbox"/>  | 9202          |                                     |   |
| <input checked="" type="checkbox"/>                             | Order         |                                     |   |
| <input type="checkbox"/>  | Aff. Posting  |                                     |   |
| <input type="checkbox"/>  | Status Rpt    |                                     |   |
| <input checked="" type="checkbox"/>                             | UCCJEA        |                                     |   |
| <input type="checkbox"/>  | Citation      |                                     |   |
| <input type="checkbox"/>  | FTB Notice    |                                     |   |
| Reviewed by: KT   |               |                                     |   |
| Reviewed on: 9/28/15  |               |                                     |   |
| Updates:  |               |                                     |   |
| Recommendation:   |               |                                     |   |
| File 26 – Garcia  |               |                                     |   |



**Petition for Appointment of Temporary Guardian**

|                                     |                      |  |                                 |
|-------------------------------------|----------------------|--|---------------------------------|
|                                     |                      | <b>GENERAL HEARING 11/18/15</b>                              | <b>NEEDS/PROBLEMS/COMMENTS:</b> |
|                                     |                      |  |                                 |
|                                     |                      |  |                                 |
|                                     |                      | <b>GLORIA MATHEWS</b> , maternal grandmother, is petitioner. |                                 |
|                                     |                      |  |                                 |
| <b>Cont. from</b>                   |                      | <b>Please see petition for details.</b>                      |                                 |
| <input type="checkbox"/>            | <b>Aff.Sub.Wit.</b>  |  |                                 |
| <input checked="" type="checkbox"/> | <b>Verified</b>      |  |                                 |
| <input type="checkbox"/>            | <b>Inventory</b>     |  |                                 |
| <input type="checkbox"/>            | <b>PTC</b>           |  |                                 |
| <input type="checkbox"/>            | <b>Not.Cred.</b>     |  |                                 |
| <input checked="" type="checkbox"/> | <b>Notice of Hrg</b> |  |                                 |
| <input checked="" type="checkbox"/> | <b>Aff.Mail</b>      | W/   |                                 |
| <input type="checkbox"/>            | <b>Aff.Pub.</b>      |  |                                 |
| <input type="checkbox"/>            | <b>Sp.Ntc.</b>       |  |                                 |
| <input checked="" type="checkbox"/> | <b>Pers.Serv.</b>    | W/   |                                 |
| <input checked="" type="checkbox"/> | <b>Conf. Screen</b>  |  |                                 |
| <input checked="" type="checkbox"/> | <b>Letters</b>       |  |                                 |
| <input checked="" type="checkbox"/> | <b>Duties/Supp</b>   |  |                                 |
| <input type="checkbox"/>            | <b>Objections</b>    |  |                                 |
| <input type="checkbox"/>            | <b>Video Receipt</b> |  |                                 |
| <input type="checkbox"/>            | <b>CI Report</b>     |  |                                 |
| <input type="checkbox"/>            | <b>9202</b>          |  |                                 |
| <input checked="" type="checkbox"/> | <b>Order</b>         |  |                                 |
| <input type="checkbox"/>            | <b>Aff. Posting</b>  |  |                                 |
| <input type="checkbox"/>            | <b>Status Rpt</b>    |  |                                 |
| <input checked="" type="checkbox"/> | <b>UCCJEA</b>        |  |                                 |
| <input type="checkbox"/>            | <b>Citation</b>      |  |                                 |
| <input type="checkbox"/>            | <b>FTB Notice</b>    |  |                                 |
|                                     |                      |  | <b>Reviewed by: KT</b>          |
|                                     |                      |  | <b>Reviewed on: 9/30/15</b>     |
|                                     |                      |  | <b>Updates:</b>                 |
|                                     |                      |  | <b>Recommendation:</b>          |
|                                     |                      |  | <b>File 27 – Ruiz</b>           |

## Petition for Appointment of Temporary Conservator

| <u>GENERAL HEARING 10/22/15</u>   |               |    | NEEDS/PROBLEMS/<br>COMMENTS:   |
|---|---------------|----|--|
| <b>MARIA DEL CARMEN HENGEL</b> , spouse, is petitioner and requests appointment as temporary conservator of the person. |               |    | <b>Continued from 9/21/15. Minute order (Judge Petrucelli) states</b> the Court orders that Counsel is to be appointed for the proposed conservatee forthwith; continued for report from said counsel.<br><br><b>Court Investigator was unable to advise rights.</b> |
| Please see petition for details.  |               |    |  |
| Court Investigator Dina Calvillo's Report filed on 9/17/15  |               |    |  |
| Cont. from 092115   |               |    |  |
| <input type="checkbox"/>  | Aff.Sub.Wit.  |    |  |
| <input checked="" type="checkbox"/>   | Verified      |    |  |
| <input type="checkbox"/>  | Inventory     |    |  |
| <input type="checkbox"/>  | PTC           |    |  |
| <input type="checkbox"/>  | Not.Cred.     |    |  |
| <input checked="" type="checkbox"/>   | Notice of Hrg |    |  |
| <input checked="" type="checkbox"/>   | Aff.Mail      | W/ |  |
| <input type="checkbox"/>  | Aff.Pub.      |    |  |
| <input type="checkbox"/>  | Sp.Ntc.       |    |  |
| <input checked="" type="checkbox"/>   | Pers.Serv.    | W/ |  |
| <input checked="" type="checkbox"/>   | Conf. Screen  |    |  |
| <input checked="" type="checkbox"/>   | Letters       |    |  |
| <input checked="" type="checkbox"/>   | Duties/Supp   |    |  |
| <input type="checkbox"/>  | Objections    |    |  |
| <input checked="" type="checkbox"/>   | Video Receipt |    |  |
| <input checked="" type="checkbox"/>   | CI Report     |    |  |
| <input type="checkbox"/>  | 9202          |    |  |
| <input checked="" type="checkbox"/>   | Order         |    |  |
| <input type="checkbox"/>  | Aff. Posting  |    |  |
| <input type="checkbox"/>  | Status Rpt    |    |  |
| <input type="checkbox"/>  | UCCJEA        |    |  |
| <input type="checkbox"/>  | Citation      |    |  |
| <input type="checkbox"/>  | FTB Notice    |    |  |
| Reviewed by: KT   |               |    |  |
| Reviewed on: 9/25/15  |               |    |  |
| Updates:  |               |    |  |
| Recommendation:   |               |    |  |
| File 28 – Hengel  |               |    |  |